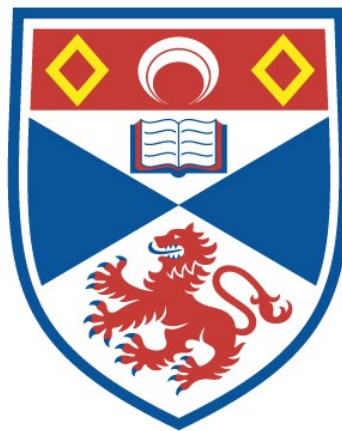


# AN ASSESSMENT OF INSTITUTIONAL-LEARNING BY THE EU IN STATE-BUILDING IN AFGHANISTAN

Sonia Alison Careless

A Thesis Submitted for the Degree of PhD  
at the  
University of St Andrews



2013

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# **An assessment of institutional-learning by the EU in state-building in Afghanistan**

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Sonia Alison Careless

22.5.2013

A Thesis submitted to the School of International Relations of the University of St. Andrews in  
fulfilment of the requirements for the degree of Doctor of Philosophy

Supervisor Dr. Roger Mac Ginty



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To my parents

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I am eternally grateful to my parents who have supported me through this whole process.

## Abstract

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This thesis assesses institutional-learning by the European Union (EU) in Afghanistan. The assessment is carried out by delineating the developments and changes in relevant EU policies through the years 1993-2010 using process tracing. The analysis is based on an extensive review of EU documents, regulations, statements, publications and interviews together with third party evaluations and a survey of the relevant academic literature. The research question which the thesis addresses is to assess whether a policy change in EU state-building efforts is discernible and whether this change can be attributed to institutional-learning or to other causes. It also provides evidence that the state-building efforts by the EU form part of an institutional process of development by the EU to establish itself as a global actor. The assessment therefore focusses around four components: the EU, institutional-learning, state-building and Afghanistan. The aim of the thesis is to analyse the nexus between the Common Foreign and Security Policy (CFSP) and EU-led state-building in fragile and/or post-conflict countries outside of the Union's enlargement sphere while taking into account the change in actorness on the part of the EU. This analysis is grounded on two interlocking frameworks. By using data and developments in the Afghanistan country study, elements of the state-building Framework are scrutinised for evidence of the different categories of institutional-learning and adaptation derived from the institutional-learning Framework. By pinpointing the learning processes within the EU as an organisation and in its state-building policies, and by analysing the limitations of its approach to these, the thesis concludes with a recommendation of how to make EU-led post-conflict state-building in forthcoming cases of fragile states more effective.



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# Table of Contents

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An assessment of institutional-learning by the EU in state-building in Afghanistan .....	1
Acknowledgements .....	vi
Abstract.....	vii
Table of Contents .....	ix
Figures and Tables .....	xiii
List of Abbreviations and Acronyms .....	xv
An assessment of institutional-learning by the EU in state-building in Afghanistan .....	2
<b>Introduction.....</b>	<b>4</b>
A. Structure.....	7
B. Relevance .....	10
C. Methods and Theory employed .....	12
D. Sources .....	15
i. Primary Sources.....	15
ii. Interviews.....	16
iii. Secondary Sources .....	18
E. Research Challenges.....	18
F. Timeframe.....	19
G. Why Afghanistan? .....	19
<b>Chapter I - European Union Foreign Policy.....</b>	<b>22</b>
A. Aim .....	22
B. What sort of an actor is the EU? .....	23
C. How has EU Self-perception changed? .....	28
i. The CFSP in the Treaties.....	31
a) Establishment of the CFSP under the ToM.....	32
ii. CFSP and foreign policy provisions in the treaties .....	33
iii. Communications and Regulations influencing EU external action.....	43
D. Budgetary evidence .....	49
<b>Chapter II - Is there an EU State-Building agenda? .....</b>	<b>56</b>
A. Aim .....	56
B. EU-led democratisation and regime-change – a predecessor to EU-led state-building? .....	57
i. Historical Foundation.....	57
a) The cases of Greece, Spain and Portugal .....	58
b) The African, Caribbean and Pacific (ACP) Countries Group .....	60
c) Post-Communist Countries .....	62
d) Non-enlargement Countries .....	63
ii. What policies and institutions are available to the EU? .....	64
a) What is the EU instrument used in the promotion of democracy? .....	67
b) EU Conditionality as a Bargaining Strategy .....	68

C.	Changes in attitudes towards state-building and the derivation of an EU approach .....	72
<b>Chapter III - State-Building Concept in Post-Conflict/Fragile States.....</b>		<b>78</b>
A.	Aim and Introduction .....	78
B.	Academic debate .....	79
i.	Definitions .....	79
ii.	How do the definitions from academia differ from those of development actors? .....	81
iii.	Concepts relevant to a definition of state-building .....	83
a)	State-building and sovereignty and legitimacy .....	83
b)	Fragile states/failed states/collapsed states .....	84
c)	Good (enough) governance .....	88
iv.	Responsibilities of effective states – prelude to state-building .....	92
a)	State-building element: Security .....	96
b)	State-building element: Institutions .....	99
c)	State-building element: Civil and Political Rights.....	101
d)	State-building element: Social and Economic Rights.....	103
<b>Chapter IV - Establishing the concept of institutional-learning.....</b>		<b>108</b>
A.	Aim .....	108
B.	An academic approach to institutional-learning.....	108
i.	Rational Choice and Institutions .....	109
ii.	Constructivism and Institutions.....	112
iii.	Institutionalism and Institutions .....	113
C.	Are organisations and institutions the same? .....	115
D.	Is “change” synonymous with “learning”? .....	118
E.	Institutional-learning.....	119
i.	Learning/Change in a business management and innovation context.....	120
ii.	Learning/Change in a political environment and policy context.....	123
iii.	The Prerequisites .....	125
a)	Where does learning take place? - Individual vs. Organisational Learning.....	126
b)	What constitutes learning? What causes it?.....	129
c)	When is learning achieved? .....	132
d)	What constitutes institutional-learning? (working definition) .....	133
F.	Institutional-learning Framework and Policy Change .....	135
i.	The Framework .....	138
a)	Lessons from History .....	140
b)	Learning by doing .....	142
c)	Lesson Drawing and Policy Transfer.....	143
d)	Adaptation .....	147
<b>Chapter V - Research Framework .....</b>		<b>152</b>

<b>Chapter VI - Background Afghanistan</b>	158
A. Aim	158
B. EU policy towards Afghanistan	159
i. Bonn Agreement	161
ii. EU policies towards Afghanistan	163
a) Country Strategy Paper – Afghanistan (2003-2006)	165
b) Country Strategy Paper – Afghanistan (2007-2013)	165
c) (Multiannual) National Indicative Programmes (NIP)	166
C. Taking Stock	167
i. Some significant historical influences on present state-building efforts	167
ii. Setting the Scene for EU reconstruction	169
a) Base-line in the state-building element “Security”	171
b) Base-line in the state-building element “Institutions”	173
c) Base-line in the state-building element “Civil and Political Rights”	176
d) Base-line in the state-building element “Economic and Social Rights”	177
iii. Where are we now? Present situation in the state-building elements after 9 years of state-building efforts	179
a) Present situation in the state-building element “Security”	179
b) Present situation in the state-building element “Institutions”	182
c) Present situation in the state-building element “Civil and Political rights”	188
d) Present situation in the state-building element “Economic and Social rights”	194
<b>Chapter VII - Evidence of institutional-learning in EU state-building in Afghanistan</b>	200
A. Aim and Introduction	200
B. EU efforts concerning the security element in state-building	201
i. EU efforts in the field of security	201
ii. Has learning taken place in EU efforts to enhance security?	203
C. EU efforts concerning the institution-building element in state-building	206
i. EU efforts in the field of institution-building	206
D. EU efforts concerning the civil and political rights element in state-building	210
i. EU efforts in the field of civil and political rights	210
ii. Has learning taken place in EU efforts to build institutions and to promote civil and political rights?	212
E. EU efforts concerning the social and economic rights element in state-building	216
i. EU efforts in the field of social and economic rights	216
ii. Has learning taken place in EU efforts concerning the social and economic rights element in state-building	219
F. Overall evaluation of institutional-learning by the EU in the field of state-building	222
<b>Conclusion</b>	234
<b>Appendices</b>	248

A.	Appendix I - History of Afghanistan and its influence on the conflict .....	248
i.	The geopolitical importance of Afghanistan .....	248
a)	Buffer state and the “Great Game” .....	251
b)	Durand Line .....	252
c)	Political developments after the First World War .....	254
d)	Effects of the cold war on Afghanistan.....	255
e)	The Taliban .....	258
B.	Appendix II.....	259
	Heads of State in Afghanistan since 1919, as listed in Qassem .....	259
C.	Appendix III - The Petersberg (Bonn-) Agreement .....	260
	<b>Bibliography .....</b>	<b>266</b>

## Figures and Tables

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### Figures

Interplay of thesis components .....	5
Visualisation of the complexity of the CFSP .....	26
Overall Expenses vs. External Action Budget Comparison .....	50
Percentage Changes in Budget Allocation .....	51
The EU as a global actor 2007 .....	52
The EU as a global actor 2008 .....	52
Scope of State Functions .....	94
Domains and actors in the state-building process .....	95
Safe and Secure Environments .....	97
Comparison of the experimental learning model with a typical model of the .....	129
Single-Loop and Double-Loop Learning Cycles .....	131
The mediating role of decision processes between change agents and degree of policy change .....	134
Institutional-learning Framework .....	139
Interplay of the frameworks to construct the Research Framework .....	152
Base- and Outcome-lines .....	159
Timeline of EU-Afghanistan Cooperation .....	160
Constitutional Legitimacy vs. Military Power .....	174
HDI trend for Afghanistan versus South Asia and the World .....	179
Political Stability in Afghanistan using 95% confidence level .....	180
Regulatory Quality in Afghanistan using 95% confidence level .....	183
Government Effectiveness in Afghanistan using 95% confidence level .....	185
Freedom House Index for Political and Civil Rights in Afghanistan .....	189
Voice and Accountability in Afghanistan using 95% confidence level .....	190
Control of Corruption in Afghanistan using 95% confidence level .....	190
Rule of Law in Afghanistan using 95% confidence level .....	191
Afghan National Security Forces .....	192
Afghanistan GDP per capita .....	194
Opium Production in Afghanistan 1994-2010 .....	197
Increase in ISAF troops .....	202
ARTF contributing nations and organisations .....	207
EU and Member State contributions to .....	209
EU double-loop learning in the evaluation process .....	222
EU programme evaluations completed in the year .....	223
Adequate State-Building .....	246
Map of Afghanistan .....	249
Afghanistan the buffer state during the Great Game .....	252
The Durand Line .....	253

## Tables

Timeline of influential EU and CFSP developments .....	42
EU Election Observation Missions 2001-2008 .....	68
EU sanctions based on violations of democracy, human rights, .....	70
State-Building Policies during certain Eras .....	75
Dilemmas of state-building intervention .....	98
Alternative ways of drawing a lesson .....	130
A Policy Transfer Framework (as depicted in (D.P. Dolowitz and D. Marsh, 2000), p. 9) .....	145
Afghan Refugee Statistics 1994-2004 .....	177

## List of Abbreviations and Acronyms

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AACA	Afghan Assistance Coordination Authority
AAP	Annual Action Programme
ACP	African-Caribbean-Pacific Countries
AMF	Afghan Militia Forces
ANBP	Afghan New Beginning Program
ANDS	Afghanistan National Development Strategy
AREU	Afghanistan Research and Evaluation Unit
ARTF	Afghanistan Reconstruction Trust Fund
ASGP	Afghanistan Subnational Governance Programme
BPHS	Basic Package of Health Services
CCM	Civilian Crisis Management
CDC	Community Development Council
CEEC	Central Eastern European Country
CENTO	Central Treaty Organisation
CFSP	Common Foreign and Security Policy
COM	Communication
CSP	Country Strategy Paper
DDR	Disarmament, Demobilisation and Reintegration
DFID	Department for International Development
DG	Directorate General
EC	European Community
ECHO	European Commission DG for Humanitarian Aid & Civil Protection
EEAS	European External Action Service
EIDHR	European Instrument for Democracy & Human Rights
ELECT	Enhanced Legal and Electoral Capacity for Tomorrow
ENP	European Neighbourhood Policy
EOM	Election Observation Mission
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUHR	European Union High Representative
EUPOL	European Union Police Mission in Afghanistan
EUSR	European Union Special Representative
FDI	Foreign Direct Investment
FP	Foreign Policy
FPA	Foreign Policy Analysis
FYR	Former Yugoslav Republic
GDP	Gross Domestic Product
GEG	Good (Enough) Governance
GG	Good Governance
GO	Governmental Organisation
GoA	Government of Afghanistan (also GOA)
GPP	German Police Project
HDI	Human Development Index
HRFASP	High Representative of the Union for Foreign and Security Policy
IDEA	International Institute for Democracy and Electoral Assistance
IDP	Internal Displaced Person
IFI	International Financial Institution



IfS	Instrument for Stability
IL	Institutional-learning
IMF	International Monetary Fund
ISAF	International Security Assistance Force
LDC	Least Developed Countries
LOTFA	Law and Order Trust Fund in Afghanistan
MACCA	Mine Action Centre for Afghanistan
MAPA	Mine Action Programme of Afghanistan
MDG	Millennium Development Goals
MIP	Multiannual Indicative Programme
NATO	North Atlantic Treaty Organisation
NDF	National Development Framework
NGO	Non-Governmental Organisation
NIP	National Indicative Programme
NSP	National Solidarity Programme
OCT	Overseas Countries and Territories
ODI	Overseas Development Institute
OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation Europe
PDPA	People's Democratic Party of Afghanistan
PHARE	Poland and Hungary Assistance for Restructuring their Economies
RCt	Rational Choice theory
RoL	Rule of Law
RRM	Rapid Reaction Mechanism
SAP	Structural Adjustment Programme
SEATO	South East Asia Treaty Organisation
SSR	Security Sector Reform
TACIS	Technical Aid to the Commonwealth of Independent States
TEC	Treaty on the European Community
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
ToA	Treaty of Amsterdam
ToL	Treaty of Lisbon
ToM	Treaty of Maastricht
ToN	Treaty of Nice
ToR	Treaty of Rome
UN	United Nations
UNHCR	UN High Commission for Refugees
UNMAS	United Nations Mine Action Service
WaC	Washington Consensus
WEU	Western European Union
WTO	World Trade Organisation

# An assessment of institutional-learning by the EU in state-building in Afghanistan

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*“The EU is a global player – and has to be. Europe is no island, no secluded Kantian paradise of perpetual peace and lawfulness. In light of tectonic dislocations in the international system, we cannot comfortably withdraw into a “European fortress”. On the contrary: We have to design globalisation. It is no option – it is political reality. We have to take it as an opportunity.”*

Dr. Benita Ferrero-Waldner (own free translation)  
Berlin, December 2005<sup>1</sup>

*“Today Afghanistan represents a unique example of international relations: a multilateral partnership that is working well, with very promising prospects. The goal of this partnership is to create an Afghanistan that is politically stable and democratic, and economically prosperous – an Afghanistan that contributes to Regional and Global Security.”*

President Hamid Karzai,  
Berlin Conference, March 2004<sup>2</sup>

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<sup>1</sup> Ferrero-Waldner (2005)

<sup>2</sup> UNDP (2004), p. 235

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## Introduction

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What do Maastricht and New York have in common? Both - at a certain point in time - were places which have witnessed significant changes in the current political spectrum. In Maastricht, the European Union – now a global actor within the international community – was founded in 1991<sup>3</sup>. New York was fatally hit by the 9/11 attacks, hence throwing the world into the “post-9/11” era. What combines both events in the context of this thesis is Afghanistan. Ever since the fatal events of 2001 every schoolchild not only recognises the name of this country but also knows where it is situated. Whereas Afghanistan became a synonym for terrorism following 9/11, in the context of this thesis it is also becoming an example for EU post-conflict state-building. As these efforts in Afghanistan are likely to become a blueprint (or a “lesson”) for future EU state-building in fragile states, a close analysis of institutional-learning seems only too pertinent.

In its attempt to become an international actor, the European Union has tried to influence countries outside its previous sphere of geographic influence by transferring liberal norms and values. Having once been a Union of European states trying to enhance their economic prosperity in the form of a common market, it has now become a political community promoting its values to third countries. This is still valid today, even after the European Constitution<sup>4</sup> was voted down by the referendums held in France and the Netherlands in 2005. With the Maastricht Treaty of 1993, the European Union - formerly the European Community - reinvented itself. Since Maastricht, the EU has gone through several treaty amendments (Treaty of Amsterdam: signed 1997, came into force 1999; Treaty of Nice: signed 2001, came into force 2003 and Treaty of Lisbon: signed 2007, came into force 2009). Each treaty brought new advances to the foreign policy (Common Foreign and Security Policy) provisions while continuously asserting the EU as a political as well as economic actor.

A turning point in the European Union came with the 2004 enlargement – bringing the number of member states to 25. (Since then, another enlargement took place in 2007, bringing the total up to 27). In its aspiration to become (or establish itself as) an international actor, the EU is striving for even greater influence and is therefore trying to exert authority on countries outside of Europe - this is reflected in the change in the EU’s self-perception. The narrow focus on state-building in countries outside the EU’s direct sphere of influence is chosen as this thesis claims that, for the

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<sup>3</sup> If one takes the signing of the treaty as the point of foundation; the treaty came into force in 1993.

<sup>4</sup> Official term: Treaty establishing a Constitution for Europe

EU to have a lasting impact on countries outside of the enlargement and ENP (European Neighbourhood Policy) sphere, the nature of the political leverage being exerted must differ greatly. The EU's means of conveying its conditions/influence have to take on very different forms.

The research covered by this thesis combines an analysis of the influence of the EU on state-building in countries outside the process of its enlargement sphere and the European Neighbourhood Policy with an investigation of its ability to engage in institutional-learning and hence raise the effectiveness of its policies. These theoretical findings are then employed in an analysis of EU efforts to carry out state-building in Afghanistan. Throughout the analysis process, the element of institutional-learning will be considered in an attempt to contribute to scholarship. The application of institutional-learning to an analysis of EU state-building capacity in post-conflict Afghanistan constitutes the *unique contribution of this thesis*. This interplay of the aforementioned components defining this thesis is depicted in Figure I.1<sup>5</sup>. As the figure demonstrates, it is the area of intersection of these four components, which is of interest to this thesis.

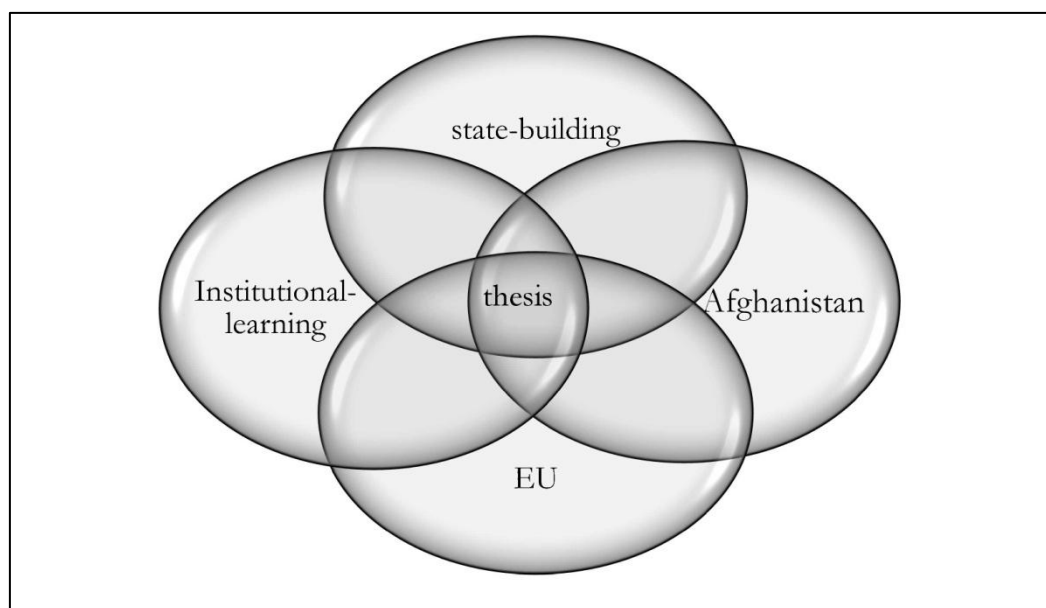


Figure I.1 Interplay of thesis components

The specific combination of the components has been adopted because there is a vast amount of literature on the democratic leverage of the EU in countries enjoying a special relationship with it, either as potential member states or as countries within a special regional agreement (ENP)<sup>6</sup>. What these countries all have in common is the “carrot” of membership or special trade relations

<sup>5</sup> At this stage of the thesis, it is the simple addition of components that is relevant as no causal relationship between individual components is yet assumed.

<sup>6</sup> cf. Kelley (2005), Maier and Schimmelfennig (2007)

to positively influence their compliance and hence they do not accurately display the EU's general leverage as an international political actor. Prior to and after the accession of the new member states in 2004, there was considerable research conducted into how far the EU promoted democracy in these Central Eastern European Countries (CEECs) and how far this generally had a positive effect on the politics and economics of such former authoritarian states, which until the 1990s had still lain within the sphere of influence of the Soviet Union<sup>7</sup>. In Afghanistan – unlike the above instances – the EU does not have the obvious carrot of membership to offer the Afghan government or its people for compliance and for meeting goals, nor is it the main actor involved. There is a relative dearth of literature on the EU's political leverage in countries outside this enlargement sphere – of which Afghanistan is an example. Furthermore, this deficit is also apparent in another sector; there is hardly any literature on the EU's leverage in countries which are not post-communist countries and most of all fragile countries. The thesis also argues that the EU has moved on from the democratisation approach to a more holistic state-building approach, despite there not yet being an official state-building strategy. Considering all these factors, Afghanistan seemed like the obvious case study. The decision to subject this analysis to the premise of institutional-learning was deliberate in an attempt to considerably increase this thesis' relevance for studies in the field of International Relations.

Fragile countries<sup>8</sup> such as Afghanistan are more likely to be the kind of countries with which the EU will be faced in future if it succeeds in asserting itself as a global player to be reckoned with alongside such established actors as the UN, NATO and the USA. The EU has the potential to become a valid European influence among these other international actors and to influence the direction of policies towards Afghanistan (and future state-building undertakings). Presently 'the Americans are driving whilst the rest are in the backseat with their arms crossed'<sup>9</sup> as a 2005 International Crisis Group Report remarks. Whilst this thesis disagrees with the "arms crossed" – which would signify inactivity – it would seem that the EU is more often considered a fellow (paying) front-seat passenger.

The focus on EU state-building was influenced by the observation that a vast amount of literature still concentrates on the democratisation in these countries. But instead of joining in the 'Babylonian chorus of voices singing songs of democratic consolidation'<sup>10</sup>, the thesis looks at the

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<sup>7</sup> cf. Pridham (2005), Whitehead (1996), Grey (1997), Price, Landau and Whitman (1999) Vachudov (2005)

<sup>8</sup> A debate on the concepts of fragile, weak, collapsed or failed states can be found in Chapter III.

<sup>9</sup> International Crisis Group (2005)

<sup>10</sup> Kopecky and Mudde (2000), p. 522

concept of transition circumspectly and places its emphasis on the process of state-building – a process which has to take place prior to any efforts at democratisation, as the thesis also claims. After 9/11 all major international organisations have shifted their focus to collapsed and fragile states like Afghanistan, and the EU is no exception. It has reiterated its commitment to Afghanistan in a number of documents and statements since the Bonn Agreement in 2001. In view of the vast amounts of resources being spent by the EU in Afghanistan - a single case of fragile state reconstruction - it should be of the utmost importance to establish whether these funds (approx. EUR 2055.92 million for the years 2002-2010)<sup>11</sup> are being spent efficiently and effectively. Moreover, given that this is a long-term and costly intervention, it seems prudent to ask if the EU, as an institution, is capable of learning from its engagement.

The thesis therefore not only illuminates learning processes within the EU as an organisation but by tracing the source of learning and by pointing out “mismatches” provides an opportunity to increase the effectiveness of EU actions – both economically and with respect to policy content. In conclusion, it attempts to answer the question of what implications these lessons may have for the effectiveness and suitability of EU state-building in future contexts. Most of all, it provides the first analysis on institutional-learning with respect to EU-led state-building in Afghanistan.

## ***A. Structure***

The thesis comprises seven chapters in addition to this Introduction and the Conclusion. The structure is therefore as follows:

- Introduction
- I. European Union Foreign Policy
- II. Is there an EU state-building agenda?
- III. State-Building Concept in Post-Conflict/Fragile States
- IV. Establishing the Concept of Institutional-learning
- V. Research Framework
- VI. Background Afghanistan
- VII. Evidence of Institutional-learning in EU State-Building in Afghanistan
- Conclusion

The first four chapters introduce the concepts and debates necessary for the development of the Research Framework and the causal argument of this thesis. The Research Framework draws on all the previously introduced components, thereby defining the variables of this thesis and at the same time constructing the basis for the analysis in the following Afghanistan chapters and the Conclusion.

---

<sup>11</sup> European Commission (2011a)

The first chapter focusses on the evolution of the Common Foreign and Security Policy (CFSP) of the EU and by doing so elaborates on the change in self-perception of the EU and its actorness. It will show that the change in self-perception of the EU, in terms of becoming a progressively more political actor and its increasing international importance, resulted in a change in its foreign policies. On the basis of this discussion, it places the development of the foreign policy provisions in form of the treaty texts and relevant communications and regulations in a historical context. The budget section critically questions whether the EU's actions follow the words, in terms of EU spending emphasis.

Chapter II addresses the very crucial question whether the EU actually has a state-building agenda as there is no official EU state-building strategy document. Using the examples of the Mediterranean Enlargement, the African, Caribbean and Pacific country group, the Post-communist Countries and lastly non-enlargement countries, it suggests that EU-led democratisation and regime-change efforts were a predecessor of state-building. By analysing the available policies and institutions it reasons that the EU does in fact have a state-building agenda. While at the outset of the thesis there was only an "EU component", these two chapters extract two crucial points for the continuation of the thesis: establishing that the EU indeed does have a state-building agenda and introducing the first independent variable, which this thesis claims to influence its findings: the change in EU self-perception.

Chapter III follows on directly from this and introduces the component of state-building in post-conflict and fragile states. The discussion of this component centres on the "content" of state-building. The necessity to account for the nature of post-conflict and fragile states and the associated debates around relevant concepts such as good (enough) governance is recognised. With the help of the responsibilities of effective states, the notion of state-building is introduced and the four main elements of state-building as understood by this thesis are advanced. The issues debated in this chapter aid in synthesising the importance of this state-building component for the thesis. The proposed categories of state-building elements are: security, institutions, political and civil rights and economic and social rights. It furthermore establishes another independent variable for the thesis: post conflict state-building.

Chapter IV introduces the working component of this thesis: institutional-learning. After debating the advantages and disadvantages of several theoretical approaches, international institutionalism is chosen to guide the rest of the analysis. The Chapter then turns to the relevant



question whether “change” and “learning” are the same, before defining institutional-learning as *the desire to enhance an organisation’s performance by the acquisition of new consensual knowledge, hence leading to an elimination of mistakes and a continuous questioning of the status quo*. This definition is carried over to the institutional-learning Framework which provides the basis for the analysis of learning in this thesis. While the main aim of the thesis is to determine whether institutional-learning is taking place in EU state-building policies, it is equally aware that some policy changes are not brought on by learning but due to other reasons. The Framework accounts for this by introducing three categories of institutional-learning (lessons from history, learning by doing and lesson-drawing) and adaptation. The adaptation category is furthermore split into influences internal and external to the EU. The significance of the institutional-learning component is therefore to establish the main (working) independent variable for this study: institutional-learning as defined in this chapter, and to fix the dependent variable of policy change.

The subsequent chapter (Chapter V) then draws up the Research Framework by combining the institutional-learning Framework from Chapter IV and the state-building framework, the four state-building elements from Chapter III. For the following analysis this means that the relevant EU policies in Afghanistan will be first of all sorted according to the state-building Framework and then the institutional-learning Framework will be transposed over this. The questions guiding this institutional-learning analysis are: 1) Is it institutional-learning? 2) What kind of institutional-learning is present and from what sources are the lessons drawn? 3) Is the change in policy due to adaptation? And 4) which adaptive element accounts for the change in policy? The overall result is then entered into a matrix, but not until the conclusion.

Chapter VI is to be viewed in conjunction with Chapter VII, since Chapter VI provides the background for the analysis in the subsequent chapter with respect to the case of Afghanistan itself. Chapter VI provides the contextual background to this constantly changing environment in Afghanistan thereby defining the last of the four components. By providing an overview of the general EU strategies and engagement in the country, it outlines the unique country profile. Resulting out of the significance for the whole international reconstruction effort, special attention will be paid to the Bonn Agreement (the text of which can be found in the Annex). Most importantly for pinpointing changes in policies, the chapter provides the thesis with a summary of the situation for each state-building element – firstly to determine a base-line (2001) level before the begin of state-building efforts and then to define a 2010 level (the outcome line) which depicts the situation in the different elements after 9 years of state-building efforts. As

policy change is often initiated by detection of mismatches between policy intention and outcome, the drawing of these lines is necessary to point out any changes that EU policies might have initiated or caused. The justification for this chapter lies in the fact that no state-building efforts are done within a vacuum and it also allows for the uniqueness of the Afghan case study – no two state-building efforts are the same. It therefore establishes the last independent variable: the fragile nature of Afghanistan.

Chapter VII then picks up on where Chapter VI left off. Using the variables provided by the Research Framework, it examines the effects EU policies have had. The analysis takes the form of an evidentiary analysis in the sense that it first identifies EU efforts including any changes within them and then using the base- and outcome lines drawn in the previous chapter will point out instances of policy change. The chapter will then proceed to analyse the findings in order to determine the cause for policy change according to the Research Framework. The analysis uses official EU documentation and is supported by field-research in form of interviews with EU officials and Afghan Embassy Staff. The chapter concludes with an overall evaluation of institutional-learning by the EU in the field of state-building, hence bringing all the aspects of the thesis together.

The thesis therefore not only aims to be the first to combine the four components of institutional-learning, EU, state-building and Afghanistan in one analysis, but also to contribute to scholarship by placing them in one analytical framework (the Research Framework). While all have been examined separately in their respective fields, the combination of all four in this thesis should add a unique angle of analysis and further the debate by revising existing models and incorporating them in this multi-faceted debate. The institutional-learning Framework developed in this thesis should also contribute to further theory building in the field of International Relations - a field which is still at the novice stage in terms of institutional-learning.

## ***B. Relevance***

The research is relevant to the present International Relations debate, as the EU is more often assuming the role of a state and nation-builder and a development promoter. It is therefore of relevance to examine how well it is fulfilling this role and whether the EU has an internal feedback-loop in form of institutional-learning that enables it to enhance its performance by eliminating mistakes and constantly questioning underlying assumptions to remain on top of policy developments – which as such is the synthesis of institutional-learning as defined by this

thesis. Most of all, the research undertaken is significant as it presents the first investigation into institutional-learning by the EU with the focus on EU-led state-building in a fragile state such as Afghanistan. The conclusion of the research project should be able to provide answers to the question of whether the EU has advanced in its attempts at state-building over the years, and whether this has been applied in Afghanistan. It may not be able to advance a model of “how to conduct state-building”, but the analysis into whether the EU as an institution can learn, should at least provide recommendations on how the EU can make its state-building policy attempts more effective and efficient and where future learning should take place. As there will always be collapsed/failed states<sup>12</sup> such as Afghanistan, this topic is of on-going current relevance.

**How is this thesis placed in the literature?** At the point of writing this thesis there was no other study examining the subject of this thesis with the same components. While the literature provides examples of analyses conducted on the separate aspects covered by this thesis (institutional-learning, EU Foreign Policy, state-building and reconstruction efforts in Afghanistan) there is no prior analysis combining *all* these components. For example, if one combines EU and institutional-learning, there is a study on the effects of institutional-learning on the EU enlargement process and environmental issues<sup>13</sup> or Kelley<sup>14</sup> uses organisation management theory to analyse how the Commission strategically adapted enlargement policies. And Böhling<sup>15</sup> tries to understand the Commission as a corporate actor capable of learning, or Wink<sup>16</sup> analyses trans-regional institutional-learning in Europe. When focussing more on EU Foreign Policy and institutional-learning, Everts and Keohane<sup>17</sup> examine the European Foreign Policy and the European Convention as an example of learning from failure, while Cameron<sup>18</sup> specifically outlines the expectation-capability gaps in the CFSP of EU as an international actor. Combining the elements of EU and state-building, Papadimitriou<sup>19</sup> looks at the limits of the EU’s role as a state-builder in Kosovo, but his analysis does not include institutional-learning. Using the same case study, Penksa<sup>20</sup> suggests that a process of institutional change and learning occurred among EU and national officials, but again this study does not deal with institutional-learning as understood in this thesis. There are also analyses of EU Conflict Management<sup>21</sup> or Crisis

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<sup>12</sup> The debate on defining fragile/failed states can be found in Chapter IV.

<sup>13</sup> Christiansen and Tangen (2002)

<sup>14</sup> Kelley (2005)

<sup>15</sup> Böhling (2007)

<sup>16</sup> Wink (2009)

<sup>17</sup> Everts and Keohane (2003)

<sup>18</sup> Cameron (2002)

<sup>19</sup> Papadimitriou, Petrov and Greicevci (2007)

<sup>20</sup> Penksa (2006)

<sup>21</sup> Hughes (2009)

Management<sup>22</sup> tools and learning, but neither of them specifically deal with state-building. Or Adebahr's<sup>23</sup> analysis, while dealing with organisational learning in EU Foreign Policy, looks at the role of the Special Representatives. In addition to these limitations already outlined, neither of the above uses Afghanistan as their case study. While there are many analyses of the Afghan state-building process, the EU process is frequently neglected<sup>24</sup> and none incorporate institutional-learning into their analysis. Therefore the relevance of this thesis for the field of International Relations is manifestly justified and makes this research unique and policy-relevant. Additionally, the conclusion of this thesis places it in the arena of larger debates concerning the appropriateness and efficacy of EU foreign policy and post-conflict state-building.

### ***C. Methods and Theory employed***

This thesis follows an institutionalist approach, specifically international institutionalism<sup>25</sup>. Institutionalists assume that international politics is marked by norms and rules which are embodied in international and regional institutions such as the EU. This approach allows for an examination of effectiveness within institutions. Most importantly, considering the topic of this thesis, institutionalism 'claims that getting the institutions right is crucial for political stability as well as for positive economic development; transition theory claims that the way a country changes from one set of political institutions to another makes a great difference for outcomes'<sup>26</sup>. This coalesces very well with one of the claims of this thesis that institution building is important for state-building to succeed. As institutional-learning deals with changes in belief systems and the correction of mismatches, it is fitting that international institutionalism reinterprets the understanding of "political institutions" to be attributed to patterns of behaviour besides political organisations. By referring to political institutions as singularly independent actors it also allows this thesis to consider the EU as *one* actor, temporarily ignoring the complex organisational structure which would create unnecessary "noise" for the analysis. In terms of rationality, the EU is assumed to act under *bounded rationality*.

The dependent variable in this thesis is the intentional (planned) policy change, since any change in policy will depend on either institutional-learning or adaptation. The independent variables can be split into those affecting the EU as an actor, which would be the change in its self-perception

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<sup>22</sup> Bossong (2012), Emerson and Gross (2007)

<sup>23</sup> Adebahr (2008), Adebahr (2009)

<sup>24</sup> While Gross (2009) combines the elements of Afghanistan and EU, her analysis focusses on the EU contributions to SSR (not state-building) and she doesn't explicitly deal with institutional-learning.

<sup>25</sup> Cf. on institutionalism Lowndes (2002), Peters (1999), Pollack (2004), Schimmelfennig (2009)

<sup>26</sup> O'Donnell, Schmitter and Whitehead, (1986) quoted in Lane and Ersson (2003)

and its organisational structure, and those whose influence is founded in the specific setting in which this institutional-learning takes place: the fragile nature of Afghanistan, the concept of state-building with respect to content and importance and the fact that the EU is only one actor among many in this reconstruction effort in Afghanistan. The variables are synthesised aspects of the four components which frame this research. The fragile nature of Afghanistan of course has a significant effect on how the post-conflict state-building efforts by the EU can be operationalised and at what “speed” these can progress. The change in EU self-perception is not directly related to the fragile nature of Afghanistan, but of course influences its state-building agenda as it is intrinsic to the actor. The other variable heavily influencing the operationalisation (policy content, but also efficiency and effectiveness) is institutional learning/adaptation (or the lack thereof). Policy Change is dependent on all the independent variables, while not always to the same degree; the emphasis of this thesis is after all to provide an assessment of institutional-learning/adaptation; therefore special attention is paid to the effects of these two. In an ideal world it would be possible to point out the exact causal mechanisms found between these variables and plug them into a graph with a mathematical function underlying this relationship, but this research deals with such a complex scenario that such a direct linear causal linkage is impossible to derive and therefore the above description has to be sufficient.

The research is qualitatively oriented. As the elements analysed in this thesis (institutional-learning as well as state-building) are processes, “process tracing” was deemed the appropriate method. But what is “process tracing”? According to the proponents of this process, George and Bennett, process tracing ‘attempts to trace the links between possible causes and observed outcomes’<sup>27</sup>. The tracing in this process is a sequence of ‘causal-process observations’<sup>28</sup>. Bennett and Elman declare that this ‘causation is not established through small-n comparison alone [...] but through uncovering traces of a hypothesized causal mechanism within the context of a historical case or cases’<sup>29</sup>. Process tracing complements other research methods and is compatible with rational-choice approaches; in addition, it shares some basic features of historical explanation.<sup>30</sup> According to George and McKeown, this method ‘investigate[s] and explain[s] the decision process by which various initial conditions are translated into outcomes’<sup>31</sup>; hence it relies

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<sup>27</sup> George and Bennet (2005), p. 6 as cited in Ruback (2010)

<sup>28</sup> Collier, Brady and Seawright (2004) as cited in Ruback (2010)

<sup>29</sup> Bennett and Elman (2006), p. 459. In the same text they also debated the problem of small-n selection and selection bias and how this is less likely to affect qualitative analyses. (pp. 460-462)

<sup>30</sup> Cf. George and Bennet (2005), pp. 207-8

<sup>31</sup> George and McKeown (1985)

not only on the comparison of deviation in variables. Process tracing can be applied to quantitative research<sup>32</sup> as well as to qualitative research questions, as is the case here.

For tracing any form of EU learning, an historical approach was adopted<sup>33</sup>. Tracing took the form of comparing documents to perform language content comparisons and to draw terminological analogies. As institutional-learning also has to be considered as a process, and since the data used was mainly qualitative in nature, process tracing proved to be the most suitable and fitting methodology to employ. Process tracing incorporates both inductive and deductive elements<sup>34</sup>. George and Bennett, who first proposed this method of analysis, summarise it as follows: 'In process tracing, the researcher examines histories, archival documents, interview transcripts, and other sources to see whether the causal process a theory hypothesizes or implies in a case is in fact evident in the sequence and values of the intervening variables in that case.'<sup>35</sup> It tries to identify the causal chain and the mechanism existing between the dependent and independent variable(s). Process tracing allows the researcher to conduct a 'robust causal analysis [...] through within-case analysis, rather than, or as well as, cross-case analysis'<sup>36</sup>. The "robustness of the causal analysis" in this thesis is assured by the use of the various sources of evidence; documents (official and academic), speeches, policy documents, external evaluations and interviews. Tracing is seldom done using only one source. Process tracing allows for complex causality, particularly equifinality<sup>37</sup>, which is frequently present in political processes. A major advantage of this technique is that it may be adapted to the 'nature of the causal process thought to characterize the phenomenon being investigated'<sup>38</sup>. A trace is strongest, if 'key nonsubstitutable links in the hypothesized process are supported by the evidence'<sup>39</sup>. As most occurrences in international relations are characterised by complex causality, any assumption of linearity would be misplaced. In some cases the researcher is confronted with a sequence of events which could lead to path-dependence with respect to the possible outcomes. The process is therefore particularly well suited for identifying and assessing evidence of causal mechanisms<sup>40</sup>.

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<sup>32</sup> Ford, Schmitt, Schechtman, Hults and Doherty (1989) give a good overview of the quantitative application of process tracing and its contributions and problems in that context.

<sup>33</sup> Cf. Bennett and George (2000) for linking "process tracing" to political and historical research.

<sup>34</sup> Cf. Bennett (2008)

<sup>35</sup> George and Bennet (2005), p. 6

<sup>36</sup> Tansey (2006)

<sup>37</sup> Equifinality is , 'the fact that the same outcome can arise through different causal paths in which there may be no single nontrivial necessary or sufficient condition' (Bennett and George (2000), p. 138)

<sup>38</sup> George and Bennet (2005), p. 212

<sup>39</sup> Bennett and Elman (2006), p. 460. In their explanation they draw on the analogy to Bayesian rationales – Bennett explores this relationship further in Bennett (2008).

<sup>40</sup> George and Bennet (2005), p. 214

A drawback of the method is, that ‘process-tracing *is* narration – storytelling in the service of relating a causal logic’<sup>41</sup> and sometimes this can cause the scholar to offer causal explanations by describing a pathway in “painstaking detail”; determination of when a causal pathway has been sufficiently narrated is still left to the scholar. This problem has been dealt with by using the two frameworks. An additional criticism of this method is that the research relies on the public transcript of visible EU announcements, publications and policy changes; while this is a valid objection, the author is aware that there is a less public transcript of backroom deals, bilateral agreements and politicking, but these are harder to access.

Tansey furthermore argues that elite interviews such as those undertaken for this thesis are ‘highly relevant for process tracing approaches to case study research’<sup>42</sup>. In order to analyse policy developments, elite actors are an essential source of information in order to corroborate other information gathered. As these elite interviews tend to be supported by documents or secondary sources, they allow researchers to “triangulate” their findings and hence to increase their credibility.

A further point which has to be raised in this discussion on methods employed in this thesis is the use of third party statistics – mainly from the EU, World Bank, UN agencies and Freedom House. These statistics were only used in an illustrative capacity or to indicate trends. The author is aware of the inherent problems of using third party statistics without knowledge of the underlying data or the method of data collection. Good faith has been placed in the standards of data collection of these institutions and therefore only statistics from such reputable institutions have been used. Additionally, the author is aware that data collection in fragile states is less than dependable. Data collection in fragile states and particularly post-conflict states is performed under hazardous conditions and even under conditions of limited information. The data (graphs) are used despite probable conceptual problems as at this point in time they are the only available indicators; however, they are only used as indicators – not facts<sup>43</sup>.

## ***D. Sources***

### **i. Primary Sources**

A vast number of the sources used in this study are official EU documents. As this thesis is concerned with institutional-learning by way of policy learning, the legal and official documents

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<sup>41</sup> Cf. on this discussion Ruback (2010), quote on p. 478 (emphasis as in original)

<sup>42</sup> Tansey (2006), p. 4

<sup>43</sup> For an excellent discussion on the problem of data collection in post-conflict states in the context of strategic violence see Boyle (forthcoming). On the problems of analytical frameworks in conflict studies see Cramer (2002)

issued by the EU are the main source of information and data. These documents range from treaties through Communications from the Commission to the Council and the European Parliament to Council Directives, European Parliament resolutions, press releases and statements made by various EU bodies and officials. In addition, staff working papers of the Commission have been accessed where available. Most of these documents were either obtained through the EUR-LEX website<sup>44</sup> or from the Official Journal of the European Union<sup>45</sup>. Furthermore, the Commission itself issues a number of publications, in particular on External Relations<sup>46</sup> or on its position as a global actor<sup>47</sup>. In some thematic areas, annual reports are published and give an overview of the involvement<sup>48</sup>. These publications are made available either online or through the Publications Office. Some of the publications have to be considered critically as they are likely to be biased; e.g. “the glossy magazine” promoting the EU as a global actor only illustrates one side of the story as it is intended as a positively-influencing public relations tool. At the same time, it must be considered that the Communications and Regulations are only the end result of lengthy correspondence and negotiation (which is not always accessible to the public), but as these official documents are the basis for EU action their value for the analysis is uncontested.

In most cases the English version of the documents was chosen in order to eliminate any false citation possibly arising from differing translations. If the English version was not available, either the German or French version was chosen (in that order of priority).

## **ii. Interviews**

Most of the research traces processes within official EU publications, but interviews are the prime data collection tool to access ‘people’s perceptions, meanings, definitions of situations and construction of reality’<sup>49</sup>. In this specific case it was a matter of comparing policy intentions with the results on the ground. The interviews were all conducted in formal settings. The findings presented in this thesis are based on 12 interviews which were conducted in Berlin, London and Brussels. While this number seems small, it has to be noted that the interviews were elite interviews, in that the interviewees were either Ambassadors or members of EU institutions who

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<sup>44</sup> Europa - Gateway to the European Union (2011a)

<sup>45</sup> Europa - Gateway to the European Union (2011b)

<sup>46</sup> European Commission - Directorate General for External Relations (2008), European Commission - Directorate General for External Relations (2009)

<sup>47</sup> European Commission - Directorate General for Press and Communication (2004)

<sup>48</sup> See for example: European Commission - Directorate General for Development and Relations with Africa; Caribbean and Pacific States (2006), European Commission - EuropeAid Co-operation Office (2009), European Council (2005), 10601/08, General Affairs and External Relations Council (2008)

<sup>49</sup> Punch (2005), p. 168



specifically dealt with either Afghanistan or EU state-building instruments and were specifically chosen for their specialist knowledge. All interviewees consented to the interviews, so no ethical concerns are associated with this research. The locations of the Afghan Embassies were chosen with respect to the interviewer's language preferences, as she does not speak either Dari or Pashto, the official languages of Afghanistan. The interviews were conducted in either English or German and were semi-structured with open-ended questions. This method allowed the gathering of comparable responses but still permitted the interview to be developed by the responses given.<sup>50</sup>

When permitted, interviews were recorded, as this allowed the author to engage. The data was stored on equipment to which only the author had access. Before the start of the interview, all interviewees signed a statement which permitted the author to use the material for academic purposes (except for the case mentioned below); in this statement, the interviewees could also indicate how they would like to be referenced in this thesis. Some interviewees asked not to be included in the Bibliography and to remain anonymous (the inclusion of the material was however permitted). Only one interviewee requested that the interview material should not be used and he/she should not be named – this request has been respected.

In full awareness of the importance of the phrasing of questions asked in the course of the interviews, particular emphasis was laid on the use of “nonjudgmental, non-threatening wording”<sup>51</sup>. In one instance the interviewee requested to view the questions beforehand. In this case it was agreed that the subject of the questions would be released but especially the follow-up questions – which Leech<sup>52</sup> refers to as “planned prompts” or “fleeting prompts” – would be withheld to prevent any sort of “leading” in the responses given. At the end of the interviews, the interviewer used the “snowball sampling method” by requesting the interviewee to suggest other potential persons who might be of relevance to the subject of the study.

The expected problems of gender-bias, particularly in the case of the Afghan officials, proved to be negligible. During these interviews, special attention was paid to dress code and the wearing of a Hijab was offered, but was not required.

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<sup>50</sup> Cf. Wisker (2008) on qualitative research methods.

<sup>51</sup> Leech (2002)

<sup>52</sup> Ibid.

The information gathered during the interviews was used to verify “suspicions” the author had gathered during the analysis of the primary and secondary material. The interviews also aided in the clarification of issues which were underrepresented or not explicitly included in the documents. They provided insight into the processes of policy (and policy instrument) developments.

### **iii. Secondary Sources**

There is a wide range of secondary literature on each of the individual aspects of the research question addressed in this study. The literature on institutional-learning is mainly found in the area of management studies. The number of publications available on different aspects of the foreign policy of the European Union is enormous, as this has been an area of interest to academics ever since the founding of the Union. The same applies to the volume of literature devoted to state-building. On the subject of Afghanistan, it is possible to find reports in all sorts of publications, from academic books and journals to daily newspapers – the level of information and depth of analysis varying accordingly. Whereas there might be a few publications combining two of these main elements addressed by the thesis, there is none which combines all four or even three of these elements. The analysis of the literature is therefore interdisciplinary in form, applying concepts common for one element to the others. As with the primary sources, the secondary sources were also of either English, German or French origin.

### ***E. Research Challenges***

The main research challenge encountered was the inability to undertake field research in Afghanistan (Kabul) itself due to the lack of security prevailing in the country. The University of St. Andrews strongly advised against going to the country, foreseeing problems in risk-assessment. As a consequence, visits to the Afghan embassies were instigated as a means of acquiring data. This was of course not the ideal situation for thesis research, but it was considered the best possible alternative.

Due to the changing nature of the institution which is the focus of this thesis, it was sometimes a challenge to remain “up-to-date” with all the official documentation. This challenge was overcome by employing the EU Legislative Observer Service, which keeps track of policy developments from their initial proposal to their final stage, whether these assume legislative or non-legislative form.

In the context of the interview conducted in the Embassy of the Islamic Republic of Afghanistan to Germany in Berlin, the contact was enabled through the assistance of a German “Jugendoffizier” (Officer for Public Relations), which initially led to the misconception that the interviewer was also a member of the armed forces, but this error was quickly rectified.

## ***F. Timeframe***

This thesis focusses on EU policy learning in state-building from the entry into force of the Treaty of Maastricht in 1993 until December 2010<sup>53</sup>. Accordingly, it encompasses more than two decades of policy evolution amidst a wide range of international events. The starting date (for the EU analysis) of 1993 was chosen since the implementation of the ToM marked the initial commencement of the Common Foreign and Security Policy of the EU (the start date for the specific state-building policies for Afghanistan was of course later as the state-building effort did not commence until 2001). The end-date was chosen predominantly with reference to the main case study of Afghanistan, as this date constitutes the end of nine years following the Bonn Agreement of 2001. The period of 17 years covered by the timeframe of the thesis thus provides an adequate time span to analyse the evaluation of “learning” in a policy domain of this complex nature. The period saw not only the evolution of treaties from the ToM to the ToL but also allowed sufficient time with respect to the involvement of the EU in Afghanistan in its present form. Whereas the first state-building efforts had been more of an unconscious nature and were not perceived as state-building but as foreign policy engagement, it was only with the experiences in Kosovo that the necessity of state-building as a foreign policy strategy was realised. Hence the formalisation of such a strategy has only been introduced with the events in Afghanistan.

## ***G. Why Afghanistan?***

The purpose of the case-study was to study the learning of EU state-building in detail utilising one example. Using Stake’s distinctions of case-study types, the one used in this thesis is a combination of intrinsic case and instrumental case-study<sup>54</sup>. This means that it is not only used to better understand this particular case, but also to give insights into the issue at hand. This particular case-study was chosen because Afghanistan constitutes the most complex and ambitious project of its kind undertaken by the EU. The EU claims that it wishes to become, or even already is, a world player. Being a world player would mean being able to influence countries outside its own “backyard”. The EU has engaged in democratisation before, most notably in the

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<sup>53</sup> It should be noted that as the main emphasis of this thesis is on EU learning, the Western Calendar is used, whilst in Afghanistan itself the Islamic Calendar is used. But all documents of the EU refer to the western dates.

<sup>54</sup> Cf. Stake (1994) as cited in Punch (2005), p. 144

Central Eastern European Countries, but if the leverage of the EU is really to become apparent, it will need to be in a context/country which does not have the possibility of becoming a member of the Union at some point or which is already part of a preferential group – such as the countries subsumed under the European Neighbourhood policy, or the Mediterranean countries. In addition, in the case of state-building, it is important for the state not to be a post-communist country, because most communist countries were characterised by a strong state; in these circumstances, the change taking place would be more one of state-reform<sup>55</sup>. So in order to test the leverage of the EU in a non-post-communist country which was also not included in the enlargement sphere, Afghanistan seemed ideal. In addition, considering the duration of EU engagement and the depth of its involvement, it should be possible to detect institutional-learning on the part of the EU if it is taking place at all. Moreover – in view of the amount of funds transferred to these state-building efforts in Afghanistan by the EU, the continued proclamation of the importance of this “project” and the tendency of the EU to utilise past experiences in future projects - it is to be expected that this EU-led state-building in Afghanistan will be used as a blueprint for future EU-led state-building projects in post-conflict states, making the process of institutional-learning even more important.

The uniqueness of the case mentioned above is in fact also a justification for only employing this one case-study, which does not however limit the case-study’s applicability or its transferability to other situations. This does not suggest a generalisation, as each case of state-building effort is unique, but possible future policy contributions to the study of institutional-learning in EU state-building are not only possible, but desirable.

To summarise: this thesis sets out to investigate whether the EU is a learning organisation. It is guided by several underlying questions: Has institutional-learning taken place on the side of the EU in its state-building efforts in general and towards Afghanistan? What form does the institutional-learning take? What does the EU state-building policy in Afghanistan look like?

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<sup>55</sup> The brief Soviet occupation of Afghanistan did not have the effect on Afghanistan that a strong communist state apparatus was developed. This thesis would argue that the post-conflict element of a fragmented state outweighs the previous argument in this case. The communist countries mainly referred to above are the Central Eastern European Countries.

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## Chapter I - European Union Foreign Policy

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*“The EU is a global player – and has to be. Europe is no island, no secluded Kantian paradise of perpetual peace and lawfulness. In light of tectonic dislocations in the international system, we cannot comfortably withdraw into a “European fortress”. On the contrary: We have to design globalisation. It is no option – it is political reality. We have to take it as an opportunity.”<sup>56</sup>*

Dr. Benita Ferrero-Waldner  
Berlin, December 2005

### **A. Aim**

This chapter focusses on the evolution of the Common Foreign and Security Policy (CFSP) of the EU and on the EU's self-perception and its actorness. Actorness is understood as how the EU developed as an actor, but also in its actions themselves; in the case of this thesis, this is with respect to its foreign policy. An attempt is made to determine how this actorness can be analysed through the help of general IR theories or Foreign Policy Analysis (FPA) or even organisational studies. It examines the progression of the EU from an economic entity to a political organisation by comparing the treaties and further legislation and communications with respect to the CFSP. While a shift towards political involvement will be demonstrated in the rhetoric of the EU, this development will be called into question by the budgetary evidence. It will be demonstrated that the change in EU self-perception resulted in a development in its foreign policies. The chapter will show that the EU has evolved through a succession of treaties and that new parameters are constantly being defined, some of which could be attributed to institutional-learning. The treaties and communications form an integral part of the CFSP and represent the main feature of the EU's external action and are analysed and described in hindsight of setting out this “EU component” for the following framework. This chapter has to be read in conjunction with the chapter on state-building, as this EU chapter provides a breakdown of the “tools” available under the CFSP to engage in state-building which in turn will be discussed in the following chapter.

The EU may be seen as a “fluid” institution which constantly tackles new problems and tries to excel in them. In 2001 Ginsberg wrote: ‘A CFSP may develop over time out of individual European foreign policies that are more carefully linked to priorities, interests, preferences, and values that converge at the European level, but there is no evidence that this will happen any time soon.’<sup>57</sup> In contrast to this, Solana states in his European Security Strategy that “the EU has made progress towards a coherent foreign policy and effective crisis management.”<sup>58</sup> This chapter

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<sup>56</sup> Author's translation, cf. Ferrero-Waldner (2005)

<sup>57</sup> Ginsberg (2001), p. 10

<sup>58</sup> Solana (2003), p. 17

will provide evidence in support of this statement. It aims to lay the foundation for answering the questions of what instruments the EU has at its disposal to conduct its CFSP and how well equipped the EU's CFSP is for its engagement in Afghanistan.

### ***B. What sort of an actor is the EU?***

Using common terminology, this is one of the hardest questions to answer. It sometimes even appears easier to determine what the EU is not. It certainly is not a state and this is where the description of EU actorness becomes complex since mainstream theories of international politics are 'materialistic in nature' as the focus on 'the distribution of material power, such as military forces and economic capabilities, defines balances of power between states and explains the behaviour of states'<sup>59</sup>. And if one examines the subsequent definition of FPA, as a 'study of the management of external relations and activities of nation-states, as distinguished from their domestic policies'<sup>60</sup> the dilemma of the EU not fitting into either becomes apparent. Therefore, as the EU is neither a state nor a traditional alliance, this cacophony leads to the conclusion that the EU is a 'heterodox unit of analysis'<sup>61</sup>. But the EU of course does conduct foreign policy (FP) directed at national foreign governments and international actors, and its policies, just as any national FP, lay out courses of action for its agencies and personnel describing the EU's aims and measures guiding decision-making in its foreign affairs. If one wanted to assign a specific theoretical approach within FPA to the dealings of the EU a liberal approach would be most suitable due to its emphasis on international institutions and the EU itself being a liberal institution. Within FPA the approach concentrating on 'bureaucratic structures and processes' is most appropriate as it focusses on the organisational context of decision making - the most well-known of which is Allison and Zelikow<sup>62</sup>. This approach analyses the processes and channels whereby organisations arrive at their policies and focusses on findings related not only to "what" happened but "why" – which in this thesis would be the question of whether learning has occurred. This bureaucratic approach is hence very closely related to, if not even embedded in organisational studies. Hence it becomes apparent that no mono-theoretical approach to the actorness of the EU is applicable. A flexible mixture of FPA and organisational studies will therefore be used throughout the analysis of EU actorness<sup>63</sup>. Having briefly covered the

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<sup>59</sup> Jackson and Sørensen (2007), p. 162

<sup>60</sup> Ibid., p. 223

<sup>61</sup> Andreatta (2005), p. 19

<sup>62</sup> G.T. Allison and P. Zelikow, 1999

<sup>63</sup> Haas's article poses the fitting question: 'Organization theory: Remedy for Europe's organizational cacophony?' Haas (2000)

theoretical approach to this actor, the focus will be shifted once again to what sort of an actor the EU is.

The actorness of the EU varies depending on whether one considers the EU inside its own borders and its impact on the outside world as a singular actor within the processes of IR. This difficulty arises again when attempting to grasp the complexity of the Common Foreign and Security Policy (CFSP) of the EU. In an attempt to tackle this complexity in EU actorness the Centre Virtuel de la Connaissance sur l'Europe defined the organisation of the EU depending on the aspect at hand<sup>64</sup>: if one classifies the EU depending on its composition, then the EU is a regional organisation. If one considers its field of activity, it is an economic and political organisation; taking its functions as the classifying characteristic, the EU is a regulatory organisation (adoption of common rules and norms among its member states); and last but not least, if one considers its procedural method (*modus operandi*), then it is an organisation of supranational integration supplemented by areas of intergovernmental cooperation. Carlsnaes summarises this conundrum poignantly: 'the EU is an actor but quite unlike any other international actor. While it may be possible to characterize the EU by reference to possible analogies, most obviously to states and/or international organizations, the EU is sufficiently distinct from both extant types of institution to be labelled a unique type of international actor or *sui generis*.'<sup>65</sup> The EU certainly is an international organisation which is unique in its kind, as it will always be a multi-level system in which the supranational, national and regional co-exist<sup>66</sup>. Sometimes the EU is an "international actor" and sometimes an "international interactor" in the current international arena<sup>67</sup>. But not only is this arena constantly changing, the definition of the EU solely as an actor is also to be disputed. This thesis would thus agree with Jørgensen, who notes that 'sometimes the EU is the policy arena, sometimes it is an actor, and this seems to change over time'<sup>68</sup>. As the EU is not a state, many actors are confused as to how the EU fits into the global system of governance and uncertain of what to expect. Therefore it would be naïve to expect the EU to behave like a nation state. This previous characterisation of the EU is wholly supported by this thesis, although for the purpose of this thesis, the EU will be considered as an organisation in its entirety and as an economic and political organisation in relation to its actions with states and organisations outside its borders. This is in accordance with White who

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<sup>64</sup> Centre Virtuel de la Connaissance sur l'Europe (2011)

<sup>65</sup> Carlsnaes, Sjørnsen and White (2004), p. 15

<sup>66</sup> Cf. Peterson, Bomberg and Stubb (2003)

<sup>67</sup> Hill and Smith (2005), p. 11

<sup>68</sup> Jørgensen (2004)



identifies it as a ‘distinctive non-state but nevertheless collective entity’<sup>69</sup>. This less statist model is in close concord with the approach adopted in this thesis, as it allows for the “actor” focus of analysis<sup>70</sup>.

In current studies, the terminology used with reference to the influence of the EU within the international system ranges from “normative power” through “civilian power in world politics” to even “superpower”<sup>71</sup>. With respect to its foreign policy the question arises whether Europe is ‘a “space” or a power, and, if the latter, a civil or military power’<sup>72</sup>. In view of the fact that two world wars were started by founding members of this institution which is nowadays praised for bringing peace and stability to the region, this is quite a “turn-around”<sup>73</sup>. This paradoxical change was summarised by Rosecrance: ‘[I]t is perhaps a paradox to note that the continent which once ruled the world through the physical impositions of imperialism is now coming to set world standards in normative terms’<sup>74</sup>.

What is certain is the fact that – towards the 1980s – the EU became an ‘economic superpower’, and this of course necessarily had implications on the role it was to play in the international order. In this context, Hill and Smith therefore correctly pose the question of why there are still ‘evident gaps in its [the EU’s] capacity to shape its external environment’<sup>75</sup>. In the first years after Maastricht, the CFSP was tested against the standard of national foreign policies – a presumption which led to much disappointment and a sense of failure<sup>76</sup>. Hence many outside actors have problems in predicting EU action, particularly in the field of foreign policy. This is mainly due to the fact that the policy is influenced by 27 national governments, i.e. there are not only national identities to be considered but also the evolving overall concept of European identity at the same time. The first issue to consider when referring to the CFSP is that this is not a foreign policy in the common sense of the term as used by a nation state. This predicament was fuelled by European leaders presenting the CFSP at the point of its creation as a ‘fully fledged foreign policy

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<sup>69</sup> White (2004), p. 17

<sup>70</sup> Assigning a too rigid and limiting EU actor identity at this point would complicate later attempts to identify the extent to which the EU engages in institutional-learning.

<sup>71</sup> Advocates of the EU as a “civilian power” are Telò (2006) or F. Dûchene (1972); Lucarelli and Mannes (2006) are advocates of the term “normative power”. McCormick, however, ends his work with the following statement: ‘The European Union is a superpower, and the new pole in a post-modern bipolar international order. It is time to acknowledge this, and to better understand the implications.’ McCormick (2007), p. 174

<sup>72</sup> Nicole Gnesotto in Ehrhart (2002), p. 5

<sup>73</sup> This point is picked up in Clause 2 of the Preamble (ToM, ToA, ToN) and Clause 3 of the ToL which recalls ‘the historic importance of the ending of the division of the European continent and the need to create firm bases for the construction of the future Europe,’

<sup>74</sup> Rosecrance (1998), p. 22

<sup>75</sup> Hill and Smith (2005), p. 10

<sup>76</sup> Cf. Keukeleire and MacNaughtan (2008)

that would allow the EU to act cohesively and effectively on the international stage'<sup>77</sup>. This and the very name “Common Foreign and Security Policy” created expectations, irrespective of the member states’ motivations at its creation.

The definition of the CFSP followed in this thesis is a mixture of the propositions used by Bretherton and Vogler versus Jørgensen. Whereas Bretherton and Vogler argue that the CFSP is a ‘highly institutionalized and complex process of consultation and cooperation between member state governments’<sup>78</sup>, Jørgensen distinguishes between the outside and the inside. For him, the CFSP is simply the policy which the EU shows to the outside. As such, Jørgensen is certainly correct in his depiction of the CFSP; but this thesis would nevertheless claim that the internal political relations between member states and their own national foreign policies cannot be neglected; this interdependence is part of the CFSP. Therefore the working definition of the CFSP the author follows is:

*The CFSP is a highly institutionalised and complex process of intergovernmental consultation and cooperation both between member states governments and by the EU as an entity towards outside actors.*

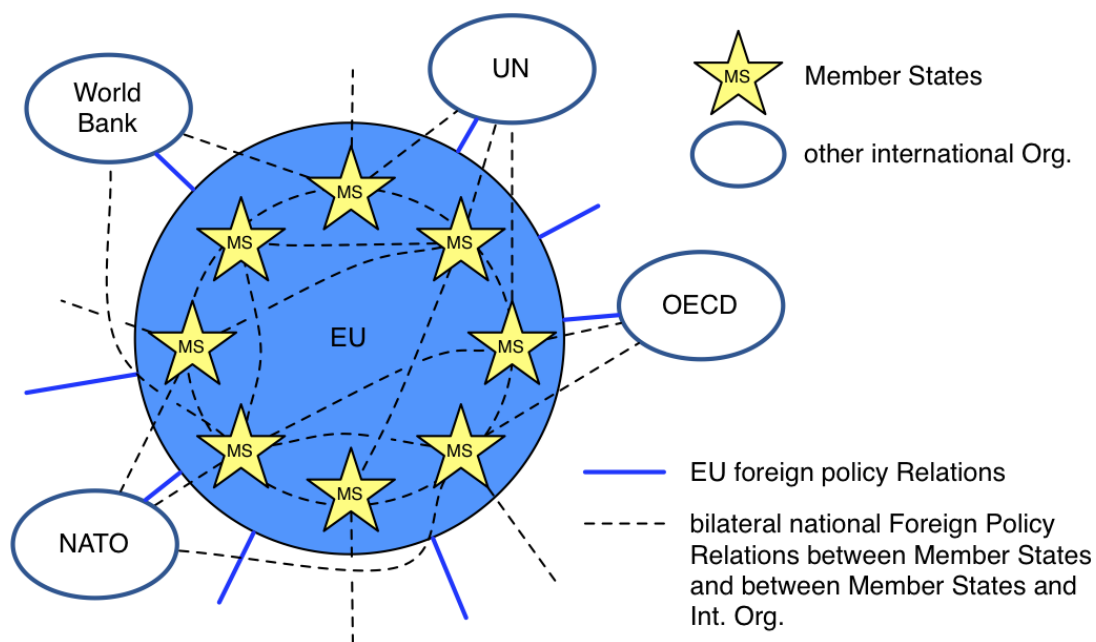


Figure 1.01 Visualisation of the complexity of the CFSP

<sup>77</sup> Ibid., p. 51

<sup>78</sup> Bretherton (2006), p. 163

Figure 1.1 illustrates this thesis' understanding of the CFSP by highlighting all the intergovernmental relations between the actors. There is great potential for a common EU foreign policy and it is often stimulated externally. As will be demonstrated in the institutional-learning Framework which will be drawn up in a later chapter, the external stimuli most frequently involved in FP creation and change are ones of international interdependence and the need to alleviate the effects of globalisation<sup>79</sup>. The effects of international interdependence can vary from subject area to subject area. Member states are also members (with different degrees of influence) of other international organisations with their own missions; most importantly France and Great Britain are veto powers in the Security Council of the UN. In some cases this can impede collective action because member states want to pursue their own national foreign policies in a particular subject area as they contest the opinions of other member states. A provision for this has been included in the Treaty for cases in which a country does not want to join EU action but also does not want to veto it – namely the possibility of constructive abstention<sup>80</sup>. This abstention, however, is only valid in non-military matters. A further criticism of collective action induced by interdependence is that many critics believe it to be the fault of interdependence that many policies/statements are watered down to the greatest common denominator. This criticism is valid, since – for example during the crisis with Iraq in 2003 – the UK was arguing for an interventionist European policy whereas Germany (and the rest of “old Europe”) ruled out any military involvement. Hence the EU could only produce a statement, leaving Solana and Patten paralysed in the international arena<sup>81</sup> and leaving behind a perception of a divided Europe. In the majority of cases, interdependence actually encourages collective action – or as Ginsberg coins it: “politics of scale”<sup>82</sup>. Consequently, the situation creates opportunities for EU action, because in this case member states see the EU as a “multiplier” of their power and influence in international politics<sup>83</sup>. Euro-sceptics often argue that they believe some countries will be surrendering their national sovereignty through collective action; but this thesis believes this danger to be negligible since the constructive abstention clause has remedied the problem of a country having either to act against its own national interests or to veto an action. In most cases the member states seem to profit more from this arrangement; their voice becomes stronger on the international plane when it is jointly raised by 27 member states rather than just by one single nation. So while this thesis considers the EU in its entirety, it is nonetheless aware of the fact that at times the EU is

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<sup>79</sup> Smith (2003), p. 5

<sup>80</sup> ToN; Article 23 of the TEU

<sup>81</sup> This of course hampered the aspirations of CFSP supporters for the EU to be taken seriously and to be considered the equal of other international actors, e.g. USA, UN, NATO. Solana was High Representative of the CFSP from 1999-2009 and Patten was External Relations Commissioner from 1999-2004.

<sup>82</sup> Ginsberg (1989)

<sup>83</sup> Peterson and Smith (2003), p. 196

unable to act or appear as a unified actor. On a further note, the CFSP has managed to reduce the old style of alliance diplomacy quite substantially<sup>84</sup>. While European Political Cooperation hardly ever exceeded “declaratory status”<sup>85</sup> and the European Union is only just learning to use its political power, the CFSP has several instruments on hand with which to influence third countries. In general an international actor has six ways to influence other international actors:

- 1) ‘use persuasion (elicit a favourable response without explicitly holding out the possibility of punishment,
- 2) offer rewards,
- 3) grant rewards,
- 4) threaten punishment,
- 5) inflict non-violent punishment, or
- 6) use force’<sup>86</sup>

The EU uses most of these means. The one to be highlighted most in this list is the offering of rewards; these were used to a great extent in the accession process, as will be demonstrated in detail in the section concerning EU involvement in democratisation in Central Eastern European Countries (CEECs). The granting of rewards can be seen most clearly in positive economic measures (such as tariff reductions, conclusion of trade/cooperation agreements or aid), but also in the form of sponsoring peace talks or diplomatic recognition. The threat of punishment and the infliction of non-violent punishment are often found in negative economic measures (e.g. embargo or withdrawal of the Generalised System of Preferences)<sup>87</sup> or in the form of such diplomatic measures as démarches or official statements. One interesting fact is that all but two of the diplomatic instruments (EU membership and the sending of civilian administrative experts) are taken within the CFSP framework<sup>88</sup>.

### ***C. How has EU Self-perception changed?***

The concept of the CFSP and the EU’s perception of itself are very closely interlinked, and it is therefore necessary to consider these two aspects jointly. As the on-going political and academic debate currently illustrates, there is some confusion concerning the role the EU plays in the world, which of course has a direct impact on its relations with third countries. In 1958, the Treaty of

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<sup>84</sup> Cf. Jørgensen (2004)

<sup>85</sup> Bretherton (2006), p. 166

<sup>86</sup> K. J. Holsti (1995), *International Politics: A Framework for Analysis*, 7<sup>th</sup> Ed., Prentice-Hall, pp. 125-126 as quoted by Smith (2003), p. 22

<sup>87</sup> Cf. COM(2004)461, European Commission (2004). The problem with economic measures is that sanctions are less likely to function in undemocratic countries because it has to be assumed that only in democratic regimes is there a link between the electorate and the government (cf. Smith (2003), p. 134). Only in a democratic country can the electorate, which is likely to suffer most from sanctions (despite the call for “smart” sanctions by institutions like the UN) use the democratically granted right to vote in order either to impede a president or not to re-elect the government at the next elections.

<sup>88</sup> Smith (2003), p. 60

Rome (ToR) made no mention of foreign policy<sup>89</sup>, but ever since then this concern has been steadily gaining importance in all subsequent Treaties. The origin of the EU as it is known now goes back to the European Coal and Steel Community (1951) and it was then that the institutional structure for European Integration was established: (supranational) Commission, Council of (national) Ministers, European Parliament and Court of Justice (names varied in ToR)<sup>90</sup>. A first sign of this shift in importance may be detected in the fact that in 1984 the European Community member states decided to reactivate the Western European Union (which had slumbered for a while after its foundation in 1954) in order to counteract US dominance in foreign and security policy and in East-West relations<sup>91</sup>. The incipient demise of the Soviet Union and the end of the Cold War, together with the ‘increasing pace of European integration each have important and fundamental consequences’<sup>92</sup> for European foreign policy. There is substantial literature on the European Political Cooperation<sup>93</sup> prior to the Maastricht Treaty (ToM), and this thesis will not reiterate this discussion as it is mainly concerned with the CFSP which only came into existence with the signing of the ToM in 1992.

The resulting effect of creating a *common* FP and by this properly establishing a European identity is well described by Hyde-Price:

‘This emerging sense of European identity is important in defining Europe’s role in international society, its friends and enemies, and its common interests and preferences. This sense of an emerging European identity has been, and continues to be repeatedly contested and redefined, in response to the shifting domestic elite and mass attitudes towards the European integration process.’<sup>94</sup>

It may be further argued that the sense of uniqueness in this identity, which is therefore also inferential in foreign policy, derives from the very nature of the policy system itself: the uniqueness of institutional structure, decision-making rules and procedures. This view is supported by Karen Smith who maintains that the ‘objectives and values that the EU promotes internationally – its international identity – are inherently linked to the international dynamics of the Union itself.’<sup>95</sup>

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<sup>89</sup> McCormick (2002), p.195

<sup>90</sup> Armstrong, Lloyd and Redmond (2004), p. 143

<sup>91</sup> Cf. Blair (2005), p. 52

<sup>92</sup> Carlsnaes and Smith (1994), pp. 2-3

<sup>93</sup> Cf. Smith (2004), Ginsberg (2007), Smith (2002), Carlsnaes, Sjursen and White (2004), Rummel (1992), Holland (1995) On the history of the EU as in international organisation in world politics cf. Armstrong, Lloyd and Redmond (2004), chapters 8-11.

<sup>94</sup> Hyde-Price (2004), p. 108

<sup>95</sup> Smith (2003), p. 17

In order for the EU to live up to expectations, it must therefore develop an effective co-ordination of its activities, especially when they concern external action of the Union<sup>96</sup>. The international community agrees that the EU has become an economic superpower. And in this, it can look back on a long history of economic relationships<sup>97</sup>. But if this is so, how is it that the EU does not seem able to use its influence in this direction and to develop a strong sense of collective political purpose? The author of this thesis therefore clearly understands the frustration expressed by Peterson and Smith when they point out the wide gap between economic power and the EU's 'limited political clout'<sup>98</sup>. Some of this limitation is due to a lack of visibility and organisational structure, which made it hard at times for other actors to determine whom to approach – an issue addressed in due course and a first indication of institutional-learning.

There is a distinct impression among EU scholars that the EU exhibits the well-known problem of “the right hand not knowing what the left hand is doing”. Even though the EU is beginning to use its economic leverage to influence third countries this overlap is not mirrored in the outlay by institutions which should actually facilitate their coordination<sup>99</sup>. Bretherton and Vogler's reasoning is very convincing here: “[T]he evolution of the EC/EU has seen the entrenchment of a division between external economic policy and “political” foreign policy that has been formally enshrined in the Treaties and reflected in the parallel development, within the Commission and the Council Secretariat, of two separate, externally oriented and potentially competing bureaucracies.’<sup>100</sup> Even though economic leverage could be used for political purposes, it would appear that the two factors are not meant to facilitate their mutual interaction since the Commission and the Council are too attached to the executive power characteristic in their respective fields and are unwilling to share it<sup>101</sup>. Interestingly enough, it frequently seems that the EU is able to speak with one voice when it comes to economic issues, whereas in external affairs the aforementioned identities seem to clash more easily. This lack of coherence often frustrates outside actors. Until the ratification of the Treaty of Lisbon, the clash of identities, coupled with the lack of one responsible person to whom issues are to be addressed, was neatly illustrated in the famous example of Kissinger asking whom to call when he wanted to speak to Europe<sup>102</sup>.

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<sup>96</sup> Attempts to achieve this have been made in the Treaty of Lisbon, as will be demonstrated later in this Chapter.

<sup>97</sup> Cf. Marsh and Mackensteen (2005), Chapter 9

<sup>98</sup> Peterson and Smith (2003), p. 206

<sup>99</sup> Cf. Bretherton (2006), p. 163

<sup>100</sup> Ibid., p. 163

<sup>101</sup> Looking at official EU publications, it is interesting to note that one sometimes finds the emphasis to lie more on trade than on foreign policy. One example of this is that considering the impact of Maastricht, one publication notes that it is important to remember that ‘a global foreign policy is a necessary *adjunct* to global trading and economic interests’. (Cf. European Commission (1993), p. 16 (emphasis added))

<sup>102</sup> Cf. McCormick (2002), p. 193

How is this change in self-perception relevant for the continuation of this thesis? Without the change in self-perception and the establishment of a unique European Identity which prompted the EU also to engage in the political sphere as an international political actor, there would be no development of the CFSP and, following on from that, no state-building policies as the CFSP contains the building-blocks and the backbone of these policies. Having referred to the CFSP on several occasions now, what does it actually entail? The following section should provide some answers to this.

### **i. The CFSP in the Treaties**

Always bearing in mind that application of the concept of institutional-learning to the EU is the foremost aim of this thesis, it quickly becomes noticeable that this presents a number of complications. This thesis maintains that there is learning taking place in the EU, but admits and allows for the fact that it is a slow process and sometimes obscured by other events and factors. One of the reasons for this is that the EU developed out of an economically oriented entity, and the nature of this entity only began to change over time (as is most obviously illustrated by the change of name from European Economic Community to European Community to European Union with ratification of the Treaty of Maastricht)<sup>103</sup>. Therefore while this section outlines the content of the CFSP – to counteract Rosecrance’s statement that the ‘CFSP is an acronym without empirical content’<sup>104</sup> – this section also points out changes in the treaties with respect to the CFSP as these changes in the treaties are the first indication of learning or adaptation/change - which process this actually is, remains to be determined.

Since 1993 there have been four major amendments to the institutional framework of the EU. These institutional changes took the form of amendments to the existing treaty, and were named after the cities in which consensus on the amendments was reached and signing took place: Maastricht (1992)<sup>105</sup>, Amsterdam (1997)<sup>106</sup>, Nice (2001)<sup>107</sup> and Lisbon (2009)<sup>108</sup>. From now on, they

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<sup>103</sup> It is of course acknowledged that the EEC and its predecessors were also political in the sense of providing peace and stability within Europe, but the policies at that time were mostly of an economic nature and focused on the Common Market; only with the collapse of the Iron Curtain and the reunification of Germany, (and the subsequent need to “keep Germany’s Ostpolitik at bay”) did the political orientation of the entity come into focus. Christiansen und Reh summarise this well in their statement: ‘It was in fact functionalist and economic rather than federalist and idealist considerations that drove the creation of the European Coal and Steel Community in 1951. Faced with the triple challenge of, first, establishing and preserving peace, second, generating economic prosperity and, third, addressing the ‘German question’, the ‘fathers’ of European integration in fact chose a very different path to that of constitutionalism’. (Christiansen and Reh (2009), p. 53)

<sup>104</sup> Rosecrance (1998), p. 15

<sup>105</sup> European Union (1992)

<sup>106</sup> European Union (1997)

<sup>107</sup> European Union (2002)

will be referred to as ToM, ToA, ToN and ToL respectively. These treaties actually comprise two treaties, but for simplicity they are mainly referred to as one Volume:

- the Treaty on the European Union (TEU), and the
- Treaty on the European Community (TEC) (in the case of Lisbon, this was renamed Treaty on the Functioning of the European Union (TFEU)).

It will become obvious that while the general structure of the treaties has remained practically the same, the organisation, volume designation and even the numbering of the titles, chapters and articles have changed throughout. In order to avoid confusion, this thesis will therefore refer to all the respective sources. The amendments to the treaty were a response to events and problems encountered with previous texts. France and Germany under President Mitterrand and Chancellor Kohl were (and still are) two member states constantly pushing for more closely knit EU with the appropriate instruments. While the ToA was greatly influenced by events in Yugoslavia, the revisions in the ToN were sometimes referred to as the “left-overs” from the ToA and ‘sought to make the Community institutions more efficient and legitimate and to prepare the EU for its major enlargement to include countries from Eastern Europe’<sup>109</sup>. The amendments in the ToL were greatly influenced by the continued and strengthened intention of the EU to become a global political actor and the failing of the Constitution for Europe. By tracing the process of change through the treaties, the evolution of the CFSP as a novel and limited area of the EU into a major policy which greatly contributes to the self-image of the EU not only becomes obvious, but also highlights elements of institutional-learning and adaptation.<sup>110</sup>

#### **a) Establishment of the CFSP under the ToM**

The first mention of the CFSP in the ToM is in the ninth clause of the preamble:

‘Resolved to implement a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world,’<sup>111</sup>

The wording of the content of this clause has remained basically the same throughout the development of the treaties; only the reference to common defence has been strengthened (from ‘eventual framing’ (ToM) to ‘progressive framing’ (as it is defined from ToA onwards)) – indicating adaptation due to changed self-perception and lessons from history. Even though these introductory resolutions and affirmations in the Preamble are not legally binding, they are still significant as they express the intentions of the member states for the Union. They are therefore

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<sup>108</sup> European Union (2008)

<sup>109</sup> Cf. Lehmann (2010) For a detailed description of the changes see Laursen (2005).

<sup>110</sup> This point will be re-addressed once the institutional-learning Framework has been established in chapter IV.

<sup>111</sup> Clause 9, TEU, ToM



important when it comes to interpreting the treaties. Some of the vagueness and ambiguity was actually found to be intentional, as it left room for further ambitions by the more progressive EU states. A poignant example of this can be found in the above clause. By using the form of ‘*may*’ common to conditional sentences when phrasing the reference to a common defence policy (‘might in time lead to a common defence’) the progressive states were able to include the point, which otherwise would have been unacceptable, by including this ‘safeguard’<sup>112</sup>.

## **ii. CFSP and foreign policy provisions in the treaties**

The development of the CFSP in the treaties forms the basis for the EU’s relation with third countries. Changes in provisions and scope here have direct bearing on all foreign policies of the EU (including state-building agenda). The changes are also a direct reflection of the change in the EU’s self-perception and can additionally be considered indications of learning/adaptation in process and are therefore traced in detail.

### **Common Provisions<sup>113</sup>**

The Common Provisions at the very beginning of the treaties outline the general objectives of the EU – in organisational terms, they can be understood as a “mission-statement” of the organisation. A change in the mission-statement is of course very significant in terms of changes in organisational self-perception. Interesting in this regard is that, apart from minor amendments, the formulation of Article B (ToM and ToA)/Article 2 (ToN) has not been changed much. The objectives of the EU stated here still commence with the will to ‘promote economic and social progress..’ (Point one) and continue to assert the EU’s ‘identity on the international sphere, in particular through the implementation of a common foreign and security policy...’ (Point two). Consequently it may be argued that the priorities of the EU still lay in economic development whilst these three treaties were in force, and that they were only secondly concerned with the political influence of the EU.

While the principles on which the Union is founded are only referred to in the ToM as ‘fundamental rights’, the amendments to the ToA chose to outline these principles in detail in Article F: ‘liberty, democracy, respect for human rights and fundamental freedoms, and the rule of

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<sup>112</sup> Cf. Keukeleire and MacNaughtan (2008), pp. 50-51. McCormick is one who criticises this safeguard and proclaims that “the credibility of the EU on the world stage will continue to be handicapped until it has the ability to back up its words with military action. (McCormick (2002), p. 200.) Despite this statement, this thesis will not engage in a discussion pro/contra an European Army.

<sup>113</sup> TEU, Title I (for all)

law'<sup>114</sup>. This thesis argues that only with the introduction of the ToL did a recognisable change take place in prioritising the EU's objectives, and with it a shift in its self-perception: An unprecedented Article 2 now lists the principles mentioned above, and adds the following: human dignity, equality and the rights of persons belonging to minorities.<sup>115</sup> Furthermore it re-prioritises the objectives of the EU: the promotion of peace, its values and the well-being of its people are now top priority<sup>116</sup>. Most importantly for this thesis, an objective has been added referring to the EU as a global actor:

‘In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.’<sup>117</sup>

The incorporation of this assertion is of utmost importance for the actorness of the EU. By expressly stating this to be one of its objectives and by including “relations with the wider world” amongst its principles, the EU has taken a conscious step to establishing itself on the international ‘playing-field’ and declared its ambitions. The significance of including this objective in the ToL should not be underestimated, but one has to question the extent of dedication to these principles. There are no measurable goals or identifiable targets set – though one could also argue that a treaty would be the wrong place for this. On a cautious note: such wording easily leads to exaggerated expectations and disappointment.

## **Title V**

The next reference to the CFSP is found under Title V of the TEC (all in ToM): Article J proclaims the establishment of a common foreign and security policy. The Article then proceeds to define the objectives (Article J.1), subsequently introducing the CFSP instruments “common positions” (Article J.2) and “adoption of joint actions” (Article J.3). The embryonic state of the CFSP at this stage becomes obvious if one considers that this only covers a page and a half (out of a total of 103 pages if one takes only the treaty text without the protocols). The following two pages spell out institutional procedures and the interplay with the UN and WEU (J.4 through J.11). The next interesting section for the foreign relations of the EU with third countries is the one relating to development cooperation (Title XVII of the TEC), which mainly demands the cooperation of policies by the member states and the EU; these policies should ‘foster the

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<sup>114</sup> ToA (TEU, Article F, Paragraph 1) and ToN (TEU, Article 6, Paragraph 1) respectively

<sup>115</sup> ToL (TEU, Article 2). The article continues by describing societies in the member states as pluralistic, non-discriminatory, tolerant, just, united and equal.

<sup>116</sup> ToL (TEU, Article 3, Point 1)

<sup>117</sup> ToL (TEU, Article 3, Point 5)

sustainable economic and social development of the developing countries' (extract from Article 130u, Point 1).

It is therefore not difficult to see why the EU was unable to deal with the situation presented in the Balkans with the breaking up of the FYR so soon after the creation of the CFSP. The European Union tried unsuccessfully to broker a political solution to the crisis but as it had no military force of its own, its member countries could only intervene as part of UN and NATO missions. The resulting fiasco has already been researched and analysed in great detail.<sup>118</sup> The failure has left a mark on the EU's credibility<sup>119</sup>, giving rise to the "expectations-capability" debate.

But what else has been undertaken with regard to implementation of this actorness? In order to demonstrate this, the CFSP objectives (which deviate slightly from the overall EU objectives), the instruments, institutional changes and further content relevant for the CFSP and embodied in the treaties will be outlined and their development analysed below.

### **CFSP Objectives and Instruments**

The objectives of the CFSP remain remarkably the same (even verbatim) throughout the progress from ToM to ToN:

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its member states in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki final Act and the objectives of the Paris Charter;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedom<sup>120</sup>

Yet again it is only with the ToL that a real change in the objectives becomes visible:

- a) safeguard its values, fundamental interests, security, independence and integrity;
- b) consolidate and support democracy, the rule of law, human rights and the principles of international law;
- c) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;
- d) foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;
- e) encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;
- f) help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;
- g) assist populations, countries and regions confronting natural or man-made disasters; and
- h) promote an international system based on stronger multilateral cooperation and good global governance.

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<sup>118</sup> Eyal (1993); Allin (2002), Caplan (2005a); Dover (2005), Gnesotto (1994)

<sup>119</sup> Marsh and Mackensteen (2005), p. 61

<sup>120</sup> ToM (TEU, Title V, J.1, 1-2) ; ToA (TEU, Title V, J.1, 1) ; ToN (TEU, Title V, Article 11, 1)

Not only have the objectives increased in number, they have expanded in scope. Special attention should be drawn to Points a) to d) which have a strong bearing on the process of state-building to be discussed at a later stage. Of further importance is the inclusion of ‘good global governance’ under Point h). The fundamental amendment in this Article is to be found under Point 3: this requires the Union to ‘respect the principles and pursue the objectives [...] in the development and implementation of the different areas of the Union’s external action’<sup>121</sup>. Including this in the treaty follows a tradition which the EU had used previously to stress the democratic and good governance principle amongst its regional and/or development agreements<sup>122</sup>.

At this stage, it is pertinent to ask how the EU intends to achieve this...what are its instruments, and have these been adapted or changed over time?

### **CFSP Instruments**

While the instruments were still scarcely outlined under the ToM – and only limited to ‘systematic cooperation’, ‘joint actions’ and ‘common positions’<sup>123</sup> – the CFSP instruments are outlined in greater detail in the ToA: joint actions and common positions are now complemented by common strategies. Systematic cooperation is still called for between member states to conduct CFSP<sup>124</sup>. This was done to reinforce the CFSP capacity for action and to introduce more coherence and efficient decision-making<sup>125</sup>. The ToA completely restructures Title V dealing specifically with CFSP. Furthermore, the instruments are outlined in much greater detail – each instrument having its own Article assigned to it. In these Articles, the inter-institutional interplay is clarified and usage of the instruments is defined in greater detail; these changes can be considered as a sign of learning. To further streamline the CFSP, the ToA allows the Council to ‘appoint a special representative with a mandate in relation to particular policy issues’<sup>126</sup>. Although there had been special envoys before (African Great Lakes and the Middle East Peace Process), it is the ToA which codifies this possibility as an instrument<sup>127</sup>. This is a clear sign of institutional-learning by admitting the necessity for a central point of reference in these complex situations. The first European Union Special Representative (EUSR) was Lord Ashdown for Bosnia and Herzegovina

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<sup>121</sup> The ToN attempted to tackle the issue of coherence with the introduction of Enhanced Co-operation (ToN (TEU, Title V, Article 27a-c and e)), but this was not so incorporated and interlinked in the implementation process as is now the case under the ToL.

<sup>122</sup> Cf. European Commission (2000c) Cotonou Agreement, Article 9 and COM(2005)636, European Commission (2005b) – A stronger Partnership between the EU and Latin America

<sup>123</sup> ToM (TEU, Title V, Articles J.1 Point 3 and J.2 Point 2)

<sup>124</sup> ToA (TEU, Title V, Article J.2 – J.6) /ToN (TEU, Title V, Articles 12-15)

<sup>125</sup> <http://europa.eu/scadplus/leg/en/lvb/a19000.htm>

<sup>126</sup> ToA (TEU, Title V, Article J.8, Point 5) /ToN (TEU, Title V, Article 18, Point 5)

<sup>127</sup> Cf. Grevi (2007), p. 17

in 2002. The criticism prior to the ToL had been that EUSRs were sometimes appointed as a substitute for policy, as the EU had problems in agreeing on a joint approach but did not wish to appear inactive<sup>128</sup>. The ToA did not change these instruments at all; indeed, most of the provisions even stayed the same verbatim. The ToN tried to enhance coherence by creating the role of the High Representative for CFSP. The High Representative was also the Secretary-General of the Council, and in this function his role was to keep the EP and all the members of the Council informed<sup>129</sup>. This position was occupied by Javier Solana from its introduction to the abandonment of the position altogether when the ToL entered into force. Many of Solana's achievements in this position were nevertheless not due to the institutional standing of the High Representative but to his personality<sup>130</sup>. The ToL created the post of a High Representative of the Union for Foreign Affairs and Security Policy<sup>131</sup> (HRFASP). In national foreign policy terms, the position of the HRFASP is compatible with a EU foreign minister role. The new position merged and enhanced the former posts of HR of Common Foreign and Security Policy and the Commissioner for External Relations – making the incumbent automatically Vice-President of the Commission and Chairperson of the Foreign Affairs Council at the Council of Ministers. This “double hatting” is intended to bring greater coherence and unity to the European Union's external action. Whether this move was effective remains to be seen as it is too early to pass judgement on this. At present this seems doubtful, since the functions and powers of the HRFASP are not clearly outlined in the ToL. The dichotomy of opinion towards this post is portrayed in the fact that Baroness Ashton, who currently holds the post of HRFASP, does not even have her own portfolio in the Commission - nor does she act as Chairperson<sup>132</sup>.

The ToL brought further changes by removing the instruments of common strategies, common positions and joint actions and replacing them by one single instrument: the European decision<sup>133</sup>. Examining the detailed description of this new instrument, it is noticeable that the “new” instrument is really only a rebranding of the previous ones – most of the provisions listed are once again the same verbatim (except for the name). The decisions taken under this instrument are binding but are non-legislative, just as the previous instruments were.

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<sup>128</sup> Ibid., Chapter 3. Generally this Chaillot Paper gives a good overview and analysis of the function of the EUSRs and also details specific representatives.

<sup>129</sup> Recognising the importance of a link between the institutions can be considered a result of a learning process.

<sup>130</sup> Cf. Everts (2002)

<sup>131</sup> ToL (TEU, Title V, Article 24, Point 1, Paragraph 2)

<sup>132</sup> Santopinto (2010) and Traynor (2010)

<sup>133</sup> ToL (TEU, Title V, Article 25)

## Constructive Abstention

One of the major additions to the arrangement created under the ToM was the inclusion of the ‘constructive abstention clause’<sup>134</sup> in the ToA which allows member states to opt for abstention not preventing the adoption of a decision – CFSP decisions in the Council must be taken unanimously<sup>135</sup>. This clause makes the Union better suited to react to Foreign Policy challenges without paralysing itself if any one member should be opposed to such an action. The abstaining member state will not be obliged to apply the decision, ‘but shall accept that the decision commits the Union’<sup>136</sup>; and it should ‘refrain from any action likely to conflict with or impede Union action based on that decision’<sup>137</sup>. Importantly, this arrangement is not valid for decisions which have military or defence implications. Even though the ToN amended the text of this article<sup>138</sup>, the provisions remain largely the same – the amendment is intended rather to accommodate the change in number of EU member states together with the resulting change in voting and in turn the power constituting a majority. The same applies to provisions under the ToL. To allow for a more weighted decision-making process, a decision will not be passed if ‘at least one third of the member states comprising at least one third of the population of the Union’<sup>139</sup> register their abstention. In addition, the HRFASP (instead of the Council) will now consult with member states and the European Council or the Council if a member state intends to oppose a decision due to national policy restrictions<sup>140</sup>. Under the ToL, this abstention is also not applicable for decisions having military or defence implications. This indicates the EU’s attempt to become a more effective actor and prevent paralysis, but as the author is unaware of any significant policies which would not have passed without this provision, no judgement on learning can be made.

## Institutional Changes

Institutional changes are of course very closely interlinked with institutional-learning as they tend to be results of lessons learned and are often derived from an attempt to increase effectiveness and coherence. The ToA incorporated some institutional changes. Under Title XX of the TEC, it established the Union’s Development Cooperation. Under the ToN, provisions for “Economic, Financial and Technical Cooperation with Third Countries” were added to TEC, Title XXI. The

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<sup>134</sup> Cf ToA (TEU, Title V, Article J.13). One example with respect to the problem with unanimity voting in matters of foreign policy and defence is outlined by Hoffmann in the example of the break-up of Yugoslavia. (cf. Hoffmann (1996), pp 110)

<sup>135</sup> The votes in favour of such a decision must be weighted in accordance with Article 148(2) (for ToA) of the TEC.

<sup>136</sup> ToA (TEU, Title V, Article J.13, Point 1, Paragraph 2)

<sup>137</sup> ToA (TEU, Title V, Article J.13, Point 1, Paragraph 2)

<sup>138</sup> ToN (TEU, Title V, Article 23)

<sup>139</sup> ToL (TEU, Title V, Article 31, Point 1, Paragraph 2)

<sup>140</sup> ToL (TEU, Title V, Article 31, Point 2, Paragraph 6)

previously mentioned instrument of Development Cooperation embodied in the treaties remained unchanged throughout the first three versions.<sup>141</sup> Interestingly enough, until the ToL Development Cooperation was “physically removed” from the remainder of foreign affairs under Title V in the TEU. This was grouped together with Economic, Financial and Technical Cooperation with Third Countries (TEC, Part Three, Title XXI in ToN)<sup>142</sup> and with the Association of the Overseas Countries and Territories (TEC, Part Four). In a way, one might argue that this part deals with the legacies of the former European colonial powers. The ToL alleviated this characterisation by grouping all of these provisions under the heading of ‘External Action by the Union’ in the TFEU. It further added a new chapter on Humanitarian Aid which is to be conducted ‘within the framework of the principles and objectives of the external action of the Union’<sup>143</sup>. This pooling of external action policies in one place, is an indication of an attempt to increase coherence and co-ordination.

An additional important change which is to have significant influence on the external action of the Union - particularly with respect to its work with developing countries and to the issue of state-building discussed in this thesis - is the inclusion of the Charter of Fundamental Rights of the European Union.<sup>144</sup> By virtue of Article 6, Paragraph 1 of the TEU in the ToL, the Charter now has the same legal value as the Treaties themselves. The scope of application of the Charter is limited to the powers as they are defined in the treaties<sup>145</sup>.

## Legal personality

One of the most important changes brought about by the ToL is the granting of legal personality to the EU<sup>146</sup>. Until this stage, the treaties had provided for (CFSP-relevant) international agreements to be concluded only within the second pillar, which means that they still had to be ratified by each of the member states. This simplification was achieved by abolishing the pillar system and by incorporating the European Community into the European Union. By this means the whole of the EU is now granted legal personality and is now able to sign contracts, notably to be part of an international convention or an international organisation, without having to rely on

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<sup>141</sup> ToM (TEC, Title XVII, articles 130u-y), ToA and ToN (TEC, Title XX, Articles 177-181)

<sup>142</sup> This is significant insofar as Part three deals with community policies and therefore underlies pillar one - an important consideration when it comes to financing the initiatives.

<sup>143</sup> ToL (TFEU, Part V, Chapter 3)

<sup>144</sup> The Charter was proclaimed at Strasbourg on 12 December 2007 by the European Parliament, the Council and the Commission (cf. Official Journal of the European Union, C 303, 14.12.2007, p. 1).

<sup>145</sup> ToL (Declarations, A, 1)

<sup>146</sup> ToL (TEU, Title VI, Article 47). On the relevance and implications of being granted “legal personality” for the EU see Fuerea (2010)

ratification by the national parliaments. Among EU law scholars the ‘express grant of legal personality to the Union is a logical consequence of the decision to merge the existing Treaties and the Union and Community into one’<sup>147</sup>.

The relevance of the previous pages lies in the fact that they have demonstrated that the learning process of the EU in the treaties was a slow and minimal one. Most impulses for change came from previous failures and were more adaptations to external events – mostly of a geo-strategic nature. As treaties are rather static pieces of bureaucratic ruling, it remains to be seen what changes (possibly due to learning/adaptation) took place in the published communications and regulations, which are more flexible in nature and take less time to be decided upon, giving them greater elasticity to incorporate change. This flexibility is also shown in the forthcoming timeline which places the relevant communications and regulations in relation to intergovernmental conferences and global events. These communications and regulations also have bearing on the dealing of the EU with the case-study (Afghanistan), as they outline in much more detail the relationship of the EU in dealings with third countries.

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<sup>147</sup> Cremona, M. (2004), ‘The Draft Constitutional Treaty: external relations and external action’, *Common Market Law Review*, Vol. 40, Issue 6 as reproduced in Amato and Ziller (2007), p. 284



## Timeline of influential EU and CFSP developments

<u>Year</u>	<u>Ratification Date</u>	<u>Development</u>
1993	1.11.	<u>Treaty of Maastricht</u> establishes the European Union Copenhagen Conference – Copenhagen Criteria for Accession laid out
1995		When the EU is unable to respond to civil war and “ethnic cleansing” in Bosnia, NATO forces intervene.
1999	1.5.	<u>Treaty of Amsterdam</u> enters into force Helsinki Summit NATO intervenes in Kosovo
2000	11.4. 26.4.	EU plans a European Rapid Reaction Force COM(2000)191 - EU Election Assistance and Observation COM(2000)212 – The European Community Development Policy
2001	26.2. 11.4. 08.5. 11.9.	Council Reg. 381/2001 – Creating a Rapid Reaction Mechanism ( <i>repealed by IFS</i> ) COM (2001)211 – Conflict Prevention COM (2001)252 – EU’s Role in Promoting HR and Democratisation in 3 <sup>rd</sup> Countries Attack on World Trade Centre and Pentagon
2003	1.2. 17.3. 20.10. 12.12.	<u>Treaty of Nice</u> enters into force Berlin Plus Agreement – establishing a framework for permanent relations between the EU and NATO Com (2003)615 – Governance and Development Solana’s Security Strategy adopted
2004	1.1. Dec	Accession of CEECs + Malta + Cyprus EU forces take over from NATO in Bosnia
2005	12.4. 2.3. 7.10. 23.12.	COM(2005) 134 – Accelerating progress towards attaining the Millennium Development Goals OECD – Paris Declaration on Aid Effectiveness COM(2005) 132final/2 – Speeding up progress towards the Millennium Development Goals, The European Contribution COM(2005) 658 – Review of the Sustainable Development Strategy

2006	24.2.	Joint Statement – The European Consensus on Development
	2.3.	COM(2006) 87 – EU Aid: Delivering more, better and faster
		COM(2006) 88 – Increasing the impact of EU aid: a common framework for drafting country strategy papers and joint multi-annual programming
	8.6.	COM(2006) 278 – Europe in the World – Some Practical Proposals for greater Coherence, Effectiveness and Visibility
	30.8.	COM(2006) 421 – Governance in the European Consensus on Development
	15.11.	Council Reg. 1717/2006 – Establishing an Instrument for Stability
	18.12.	Council Reg. 1905/2006 – Establishing a financing instrument for development cooperation
	20.12.	Council Reg. 1889/2006 – Establishing a financing instrument for the promotion of democracy and HR worldwide
2007	1.1.	Accession of Romania and Bulgaria
	April	OECD Principles for good international engagement in fragile states and situations
	13.6.	COM(2007) 317 – Towards a European Consensus on Humanitarian Aid
	25.10.	COM(2007) 643 – EU Response to the situations of fragility in developing countries
2009	1.12.	Treaty of Lisbon enters into force

Table 1.1 Timeline of influential EU and CFSP developments

**NOTE:**

COM denotes a Communication from the Commission. It is followed by the year in brackets and the reference number of the communication. For explanatory purposes the title of the Communication is also given.

Council Reg. denotes a Council Regulation. This is followed by the reference number of the regulation followed by the year of publication. For explanatory purposes the title of the regulation is also given.

This does not depict a complete List of Communications and Regulations but just a selection which was chosen by the author in support of the argument. Most of the items in the Table will be discussed in more detail throughout the chapter.

### **iii. Communications and Regulations influencing EU external action**

This Section considers Commission communications and Council regulations affecting the CFSP and EU external action. Table 1.1 above demonstrates the thematic development and positioning of the EU in world affairs. The ratification date of the treaties is highlighted in order to place the communications and regulations in perspective. Certain other events have also been included in an attempt to place the institutional development in a time context.

The Copenhagen Conference set the Copenhagen Criteria for Accession of the Central Eastern European Countries and Malta and Cyprus, and at a later stage of Romania and Bulgaria. Generally, one may say that political conditionality was greatly influenced by the criteria laid down at this Copenhagen Conference of 1993. These criteria were as follows:

- 1) 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- 2) the existence of a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union;
- 3) the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.'<sup>148</sup>

These criteria are of course only marginally applicable for the rebuilding of post-conflict states - as we will see in the case study on Afghanistan - since the countries for which these criteria were developed were not post-conflict countries and had a functioning government, albeit still influenced by the communist era. In addition these countries did not have to deal with nation-building alongside state-building.

In the context of NATO intervention in Kosovo (1999)<sup>149</sup>, the Commission published a Proposal for a Council Regulation (COM(2000)95) concerning support to bodies set up by the international community after conflicts about who was to take charge of the interim civilian administration. This was an attempt to establish an initial legal framework for such an undertaking – although the greatest emphasis was laid on financial issues. In the same context the Commission<sup>150</sup> also proposed a Council Regulation creating a Rapid Reaction Facility – with the intention of providing a tool enabling the EU to react more quickly to

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<sup>148</sup> Henderson (2000)

<sup>149</sup> NATO (1999)

<sup>150</sup> COM(2000)119, European Commission (2000d)

arising conflict situations such as the breaking up of Yugoslavia. Council Regulation (No. 381/2001) was passed in 2001 creating the Rapid Reaction Mechanism<sup>151</sup>.

The year 2000 also saw the passing of Commission Communication COM(2000)191 on EU Election Assistance and Observation. An indication that institutional-learning has taken place is that it includes a 'lessons learned' section towards the first part of the document. It is noteworthy that the document refers to Zakaria's 'illiberal democracy'<sup>152</sup> debate. The concept followed by this document acknowledges that 'elections do not equate to democracy'<sup>153</sup>. It takes into account reports by other international actors and research centres (e.g. IDEA, UN Electoral Assistance Division, OSCE). It laments the lack of any focal point for elections in EU structures (no responsible unit for EU election involvement in any of the EU institutions) and a lack of visibility during the observation/support process. Additionally it points out an inconsistent use of budgetary instruments - a failing which should be resolved in the meantime after the introduction of the CFSP budget line summarised under the EIDHR initiative heading. The recommendations included in this document range from the need to promote national capacity and sustainability to a call for the inclusion of human rights regulations. An examination of the Annex to the document reveals that the provisions and preconditions demanded for the deployment of an electoral observation mission are not equipped to deal with the fragility of affected countries – a serious failing, considering that most countries in need of an EOM are fragile or post-conflict.

In 2001 – before 9/11 – the European Commission issued a communication on Conflict Prevention<sup>154</sup>. One must assume that these were the lessons learned, or that this was in reaction to the failure of the EU in Yugoslavia. This Communication mentions the integrated approach which links the implementation of peace agreements with co-operation

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<sup>151</sup> (EC) No 381/2001, European Council (2001b), it should be noted that this was repealed by the Instrument for Stability (EC)1717/2006. The EU has been frequently criticised for its inability to react quickly to nascent conflicts. Introducing the Rapid Reaction Mechanism (RRM) gave it an instrument to 'allow for quick initiatives in peace-building, reconstruction and development'. (European Council. (2001), p. 22) In 2002, the Council initiated 5 Programmes for Afghanistan alone and helped to finance 'capacity building of Ministries that subsequently implement longer-term and larger-scale Community reconstruction assistance' (European Commission - External Relations Directorate General (2003), p. 4), and cf.

[http://ec.europa.eu/external\\_relations/cfsp/cpcm/rrm/country.htm](http://ec.europa.eu/external_relations/cfsp/cpcm/rrm/country.htm) The report generally approved RRM efforts while indicating the large scale of the work remaining. Civilian Crisis Management (CCM), which is the tool supporting the EU's role in international peace and security under European security and defence policy (ESDP) (cf. European Council Secretariat (2007)). The CCM makes use of the RRM, it should not be confused with the Union's Humanitarian Aid Programme because this is specifically NOT intended as a crisis management tool. (Cf. COM(2007) 317, European Commission (2007d))

<sup>152</sup> Cf. Zakaria (1997)

<sup>153</sup> COM(2000)191 final, European Commission (2000a), p. 3

<sup>154</sup> COM(2001)211, European Commission (2001a)

activities to re-establish structural stability; it also recognises that viable political institutions as well as sustainable economic development are important and interlinked. The interesting feature of this approach is that it was applied to El Salvador and Guatemala – two Latin American countries and hence also two non-accession countries. A viable question in the context of this thesis is therefore whether it is an approach suitable for Afghanistan. Confirmation that this approach is indeed being applied in Afghanistan is given by an EU Presidency Statement on the situation in this country<sup>155</sup>. The policy further draws attention to the importance of Country Strategy Papers to mainstream the programmes. It also recognises the incorporation of SSR and DDR programmes into Community Co-operation as the engagement in post-conflict situations has increased.

The European Union's Role in Promoting Human Rights and Democratisation in Third Countries was the subject of COM(2001)252. It is in so far an interesting document since it is not limited to the enlargement sphere. The main focus is on the EIDHR programme. It proclaims that the EU has 'both influence and leverage, which it can deploy on behalf of democratisation and human rights'<sup>156</sup>, although neither is elaborated or specified. The Commission sees the main purpose of support for 'functioning participatory democracies and accountable governments'<sup>157</sup> only as a means to achieve the main objective of the European Community's development policy: poverty reduction. The four suggested thematic priorities suggested in the paper do not specifically refer to state-building: a) strengthen democracy, good governance and the rule of law; b) support abolishment of the death penalty; c) support the fight against torture and d) combat racism and xenophobia. The priority issues under point a) are elements of liberal state-building, as will be outlined in greater detail in the following chapter, but the emphasis of the Communication lies more on the promotion of human rights and democracy (as the title of the documents presupposes). Moreover, the action points in the Annex are vague and lack any clear strategy.

Influenced by the UN Millennium Declaration, the Communication on Governance and Development<sup>158</sup> focusses on good governance and on its conduciveness to development and to the elimination of poverty. It recognises that institutional capacity-building in

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<sup>155</sup> Schroderus-Fox (2006)

<sup>156</sup> COM(2001)252, European Commission (2001b), p.4

<sup>157</sup> Ibid., p.4

<sup>158</sup> COM(2003)615, European Commission (2003a). The aim of the MDGs was supported by several communications: COM(2005)658, European Commission (2005c), COM(2005)132, European Commission (2005d), COM(2005)134, European Commission (2005e)

conjunction with good governance and rule of law initiatives must be addressed in combination. It further maintains that ‘governance concerns the state’s ability to serve the citizen’<sup>159</sup>. This state-effectiveness plays an important role in state-building; this recognition and emphasis on the domestic state situation in third countries is a step in the “right” direction. It further acknowledges the link between security and development, stressing that a state is expected to be able to provide these public goods. It includes a post-conflict situation consideration in its search for a more dynamic and proactive approach (although it does assume a cease-fire agreement to be in place – which is not the case for Afghanistan). In view of the case study this is an improvement, as is the realisation that in such fragile situations, state institutions are either non-functioning or even non-existent. However the priorities listed reveal an astonishing lack of anything resembling institution-building. Instead, the priorities focus on identifying the causes of conflict, on reconciliation and on linking relief, rehabilitation and development<sup>160</sup>. These are all well and good, but a major building block seems to be missing in these deliberations.

The previous communications were more focused on specific issues of the EU’s general development agenda, with only little indication of an overall state-building agenda, but from 2006 onwards the issue of fragility and with it state-building is slowly inserted in the documents.

The European Security Strategy (ESS) as proposed by J. Solana<sup>161</sup> clearly states that Europe is still threatened by war, but that the nature of war has changed. These “New Wars”, as Mary Kaldor named them, are no longer taking place between nation states but within states themselves or on a global scale<sup>162</sup>. As will be seen later, Afghanistan is a notable example of such a “New War”. In his statement, Mr. Solana indicates that the EU is aware of this change in the international arena and that it is taking steps to prepare for the situation. More importantly, Mr. Solana states that the EU is not only responsible for security within its own borders or in close proximity to these borders, but that ‘it [the EU] should be ready to share in the responsibility for global security and in building a better world’<sup>163</sup>. Nevertheless, when reading through the key threats – terrorism, weapons of mass destruction, regional conflicts, state failure and organised crime – it becomes clear that the

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<sup>159</sup> COM(2003)615, European Commission (2003a), p.3

<sup>160</sup> Ibid., p.24

<sup>161</sup> Solana (2003), p. 3

<sup>162</sup> Cf. Kaldor (1999) but also Duffield (2001)

<sup>163</sup> Solana (2003), p. 4

focus is mainly on EU security. The question therefore arises of where this sense of responsibility for the world is to be found. Admittedly, the paper does refer to “building security in our neighbourhood”<sup>164</sup>, but does this not sound a little two-sided? Is only the fact of “neighbourhoodness” significant enough for motivating Europe to prevent violence from spilling over into the club? Nevertheless, Keukeleire and MacNaughtan see the relevance of the ESS in the fact that it is a threat-driven approach which is new for the EU. They see the importance ‘in terms of interrelational objectives (contributing to overcoming divergence and mutual distrust) and identity objectives (highlighting the specificity of the EU foreign policy approach)’<sup>165</sup>. With respect to the previously addressed change in self-perception, the reference in the ESS that the EU must be ready ‘to act when their rules are broken’, is a sign of this increased perception of the EU as an actor in the international sphere.

As a result of increasing state fragility and the perceived threat of state-failure, the EU developed its own response framework to ‘situations of fragility’<sup>166</sup>. What makes this document so important in the context of this thesis is its wording with respect to state-building in the outlined responses to fragility: ‘Supporting democratic governance, *state building*, reconciliation processes and human rights protection, as well as promoting political will for reform through dialogue and incentives, rather than through conditionality and sanction, should guide EU action.’<sup>167</sup> This statement is the most committing one so far, yet despite the inclusion of the concept in this Communication the term “state-building” is neither described nor defined.

A significant change in the EU’s conduct in CFSP came about with the establishment of the Instrument for Stability<sup>168</sup>. The main change is with respect to the budget: the Commission may now use the slush fund at its discretion. It provides assistance not only in the context of a situation of crisis or emerging crisis, but also for stable conditions. It is somewhat confusing that the documents seem to shy away from using certain terminology, but careful examination of the measures listed supports the impression that the paper refers to (among others) state-building (Article 3, Point c)), Disarmament, Demobilisation and Reintegration (DDR) and Security Sector Reform (SSR) (Article 3, Points f)-i)). The reason for this

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<sup>164</sup> Ibid., p. 12

<sup>165</sup> cf. Keukeleire and MacNaughtan (2008), p. 59

<sup>166</sup> COM(2007)643, European Commission (2007c)

<sup>167</sup> Ibid., p.8 (emphasis added)

<sup>168</sup> (EC) No1717/2006, European Parliament and European Council (2006)

behaviour remains unclear at this stage. Institutional-learning is inscribed into the provisions (Article 21) and is intended to feed back into programme design and resource allocation. The instrument repealed the Rapid-Reaction Mechanism and is now the main instrument referred to in CFSP provisions.

One CFSP tool (it has never been an official instrument) are Country Strategy Papers<sup>169</sup> (CSPs). These were introduced to mainstream programmes and to achieve greater coherence and effectiveness. The introduction of these CSPs is a significant result very possibly attributable to institutional-learning as they were launched to counteract the criticism of a ‘one-fits-all’ approach, paying more attention to the country specific conditions. These papers must be in harmony with the European Consensus. The nine essential components for CSPs are geared towards a solid framework which requires a partnership between the donor and the partner country. These Strategy Papers are being used alongside National Indicative Programmes on a large scale and with considerable success in Afghanistan. Another relevant point with respect to the question addressed by this thesis is the inclusion of a “lessons learned” approach throughout the framework.

The Joint Statement<sup>170</sup> by the European Parliament, the Council and the Commission on the European Development Consensus in 2006 gives the first indication of state-building as a principle in EU development cooperation. Referring to state fragility it states:

“The EU will strengthen its efforts in conflict prevention work and will support the prevention of state fragility through governance reforms, rule of law, anti-corruption measures and the *building of viable state institutions* in order to help them fulfil a range of basic functions and meet the needs of their citizens.”<sup>171</sup>

It commits the EU to institutional reform and to a long-term vision of Community engagement consisting of increased ownership and continued build-up of legitimate, effective and resilient state institutions<sup>172</sup>.

Whereas not a CFSP instrument, the Communication on ‘Europe in the World’ (as of 2006) is only relevant insofar as it is the first strategy document of its kind that actually uses the term “state-building”<sup>173</sup>. The remainder of the document is less thematically oriented and focusses more on inter-institutional co-ordination. The above review of Communications

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<sup>169</sup> COM(2006)88, European Commission (2006a). CSPs have been used before 2006, but it was only in this communication that a framework and guidelines were published for them.

<sup>170</sup> European Parliament, Council and Commission (2006)

<sup>171</sup> Ibid., p.4 (Paragraph 20) (emphasis added)

<sup>172</sup> Cf. Ibid., p.14 (Paragraph 89)

<sup>173</sup> COM(2006)278, European Commission (2006c), p.4



and Regulations has highlighted several issues in the development of the CFSP towards elements of state-building and the introduction of the term. All in all an increase in CFSP-relevant documentation is recognisable. While EU publications and policies are impacted by world events (which is understandable for such a changing policy area) and by changes in policy taken by other international organisations (particularly the UN), a shift in priorities and method is also discernible: from policies focussing on democratisation and human rights through sustainable development, the meeting of the MDGs and an emphasis on good governance to engagement with fragile states and a commitment to state-building – a development which will be picked up on the following chapter. In addition to this thematic evolution, the mode of conduct itself (not to mention the instruments) has changed considerably. Whereas at first the “sheer” creation of mechanisms and frameworks was important, the quality of policies has now become a point of concern as well. Many subsequent documents deal with the attempt to increase efficiency, coherence, co-ordination and complementarity - whether they succeed is not for us to decide, but “the decision of the route taken” is of importance here. If one considers that the CFSP is only 17 years old – this has been quite a journey.

The question this thesis now has to address is whether ‘actions follow words’. Is the development discernible in the publications also visible in the budget? Is this change in self-perception from a solely economic actor to one engaged in the very political element of government (state-fragility, democratisation and state-building), of which there is demonstrated evidence in the rhetoric employed by the EU, also evident in the budget?

#### ***D. Budgetary evidence***

For the purposes of this thesis, it is sufficient to say that the Commission is the manager of the EU budget. The only exceptions are operations which involve military or defence implications, on which the Council must decide unanimously. The treaties provide for the Commission to approve the annual budget and to ensure that the guidelines for expenditure are observed<sup>174</sup>. Extrapolating this line of argument for EU foreign policy means that Council and Parliament need the Commission’s approval for any action as it has budgetary control. In the following pages, the previously analysed thematic development of the European Union External Actions and CFSP will now be analysed with respect to budgetary comparison and percentage changes.

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<sup>174</sup> Cf. Pedler and Bradley (2006), p. 237

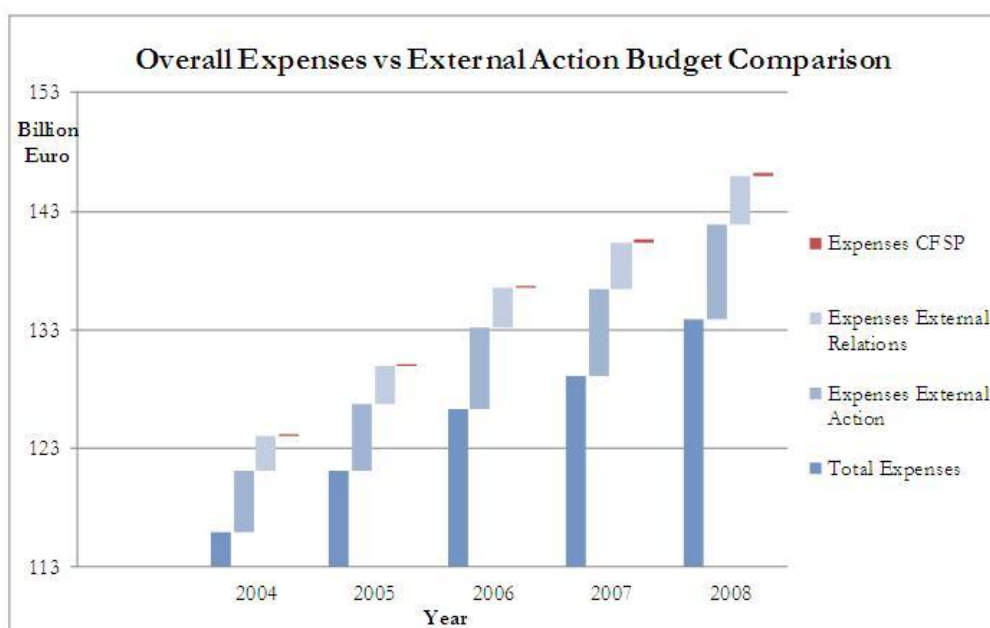


Figure 1.2 Overall Expenses vs. External Action Budget Comparison<sup>175</sup>

Figure 1.2 depicts the relationship between aggregate expenditure volumes for total EU expenses, external action expenses, external relations expenses and CFSP expenses. The relationship between these budget lines must be understood as the “Russian Doll” system – each being a subcategory of the previous one. From this figure it is clearly apparent that the EU’s foreign policy expenses are extremely meagre in terms of aggregate budget volume – in fact the graph had to be distorted (moving the minimum y value up to EUR 113billion) to make the CFSP contribution (in red) visible. Despite a consistent increase in total EU expenses, the sums in the policy area of external action have only increased slightly. In this comparison of aggregate expenditure, the sums for CFSP expenses themselves are so small as to be scarcely visible. In order to show this relationship in greater detail, Figure 1.3 presents the percentage relationship between these budget lines.

<sup>175</sup> Figures taken from European Commission - DG Budget (2003), European Commission - DG Budget (2004), European Commission - DG Budget (2005b), European Commission - DG Budget (2006), European Commission - DG Budget (2007), European Commission - DG Budget (2008), European Commission - DG Budget (2009), European Commission - DG Budget (2010), European Commission (2006d), European Commission (2007g), European Commission (2008b), European Commission (2009f)

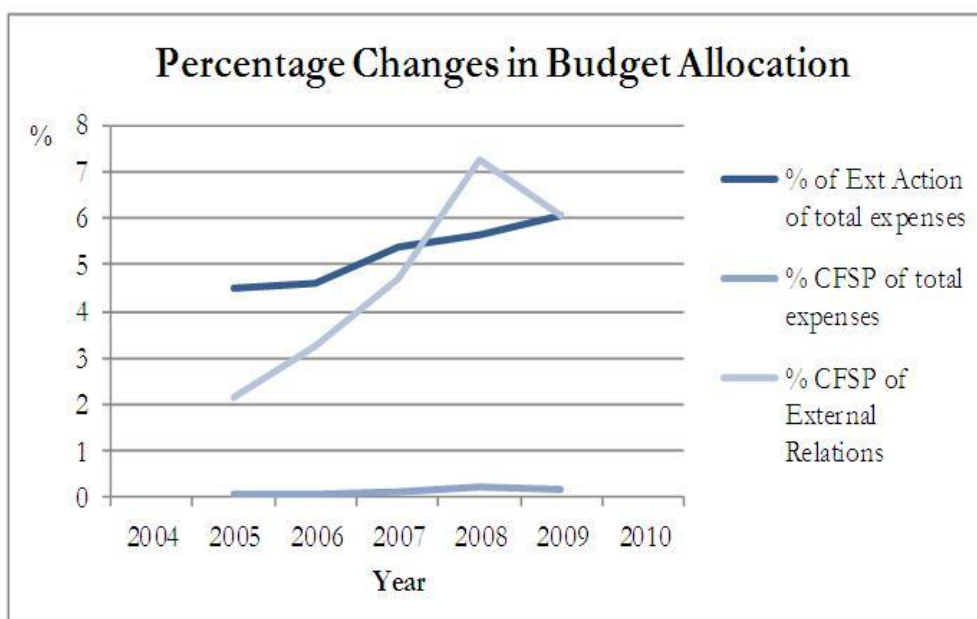


Figure 1.03 Percentage Changes in Budget Allocation<sup>176</sup>

The dark blue line depicts the percentage of the External Action budget in relation to overall EU expenditure. From this, it becomes obvious that the description “meagre” is still “overstated” considering the increase in thematic emphasis articulated in the treaties; an increase from 4.51% to 6.05% over a 5 year period is small. Comparing the percentage of CFSP relative to total expenses (semi dark blue line), this results in 0.05% in 2006 and 0.18% in 2010. It is therefore questionable whether the European Union has really become a political union...and even more questionable is its commitment to being a Global Actor. Within the area of external relations the CFSP has nevertheless gained in importance as can be seen by the light blue line; although the sharp dip in 2009 is not yet explicable.

The next two figures (Figures 1.4 and 1.5) show the allocation of funds within the budget line “EU as global Player”. Comparing allocations for the years 2007 and 2008, it becomes apparent that the level of allocation has only marginally changed (1.0 or 2.0 percentage points at the most).

<sup>176</sup> Own calculations, for sources see footnote corresponding to Figure 1.2

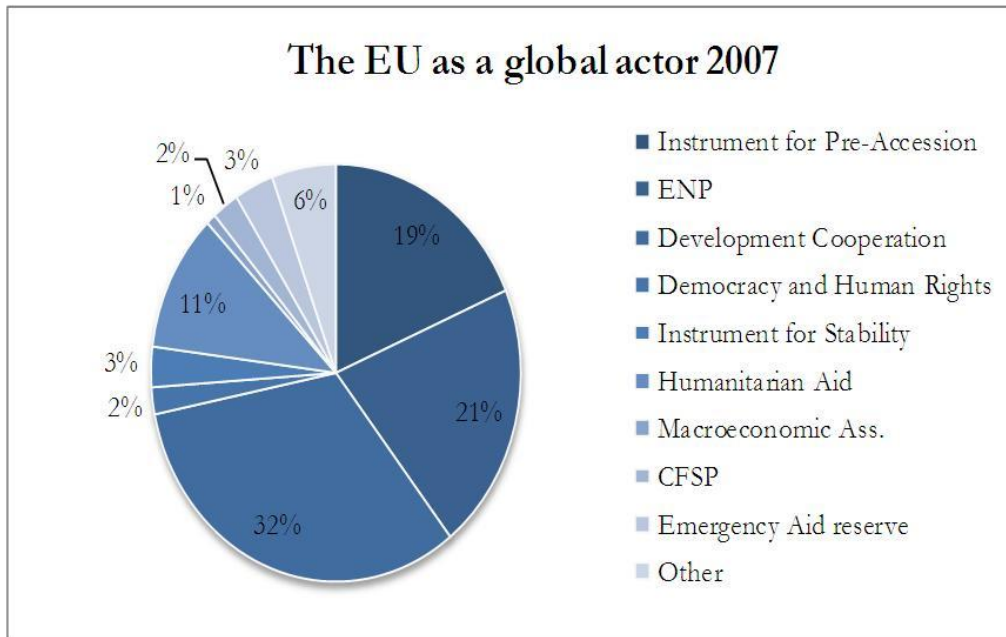


Figure 1.04 The EU as a global actor 2007<sup>177</sup>

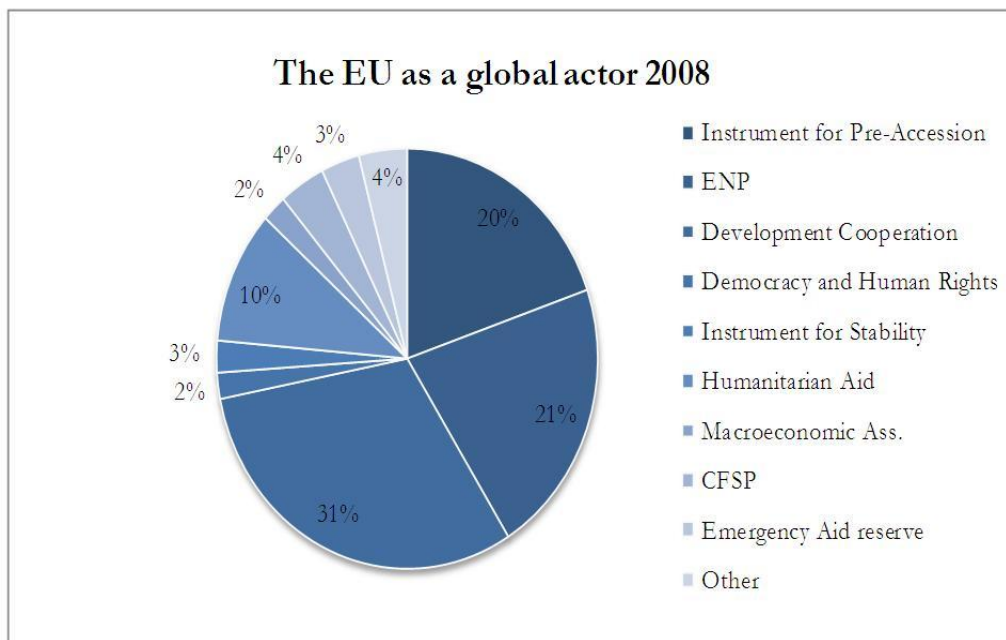


Figure 1.05 The EU as a global actor 2008<sup>178</sup>

What proves to be more interesting is that three categories make up nearly three quarters of allocations in the pie diagrams for 2007 and 2008. If one looks at the geographic location of these groups one arrives at the following: the instrument for Pre-Accession is only directed at candidate countries; the European Neighbourhood Policy (ENP) is directed at

<sup>177</sup> For sources see footnote corresponding to Figure 1.2

<sup>178</sup> For sources see footnote corresponding to Figure 1.2

those countries directly bordering the EU<sup>179</sup> (which have no expectations to join the EU), and only the Development Cooperation reaches further than to the countries which are in direct vicinity to the EU. At this point it makes sense to recall the criticism advanced in a previous section of this chapter with regards to Solana's Security Strategy. Troubling is also the sum allocated to Democracy and Human Rights, particularly in light that EU-led democratisation may be considered a predecessor of EU-led state-building (as will be argued in the following chapter). Furthermore it has to be realised that at this point there is no budget line dedicated to state-building.

This study of the related budget lines has indicated that while there has been an increased rhetoric of the EU as an international political actor, this development could not be supported by the evidence found here. While a general "increase" is discernible, this thesis would maintain that this marginal increase in funding is in no way proportionate to the change in self-perception the EU underwent. This demonstration of budget realities is a clear indication (and possibly explanation) for the expectation-capability gap previously mentioned.

Thematically, the analysis of development of the CFSP throughout the treaties has revealed that a move towards the EU becoming a political actor is clearly apparent. This move has meant that important other changes have taken place, such as consolidation of human rights clauses and the inclusion of democracy in the external action instrument. This chapter has demonstrated that there is definitely an expectation-capability gap, but that opportunities for institutional-learning are present and are taken up – albeit slowly. A thematic evolution can be traced in the documents and treaties, which indicates a change in understanding and a realisation that learning is an important element in the formulation of policies. This latter point is most obviously demonstrated in the inclusion of "lessons learned" or the introduction of "best practices" sections in policies and communications. Nonetheless, while a change has taken place in the thematic approach, this has not yet been very successfully translated into practical approaches or been mirrored in the budget.

While this chapter has not explicitly stated or proved that the EU has a state-building policy, this will be achieved in the following chapter on EU state-building. It will also add

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<sup>179</sup> The European Neighbourhood Countries are: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia and Ukraine.

content to the still “empty shell” of this term. Nevertheless, the lack of definition of what comprises ‘state-building’ poses a problem at several levels: not only is there no agreed understanding on the part of all the actors involved on what this concept of state-building really entails – which inevitably leads to differing expectations – but also it is difficult to analyse the degree of true commitment towards this policy, as there is no budget line assigned to it. Funds associated with state-building efforts have to be collated from different programmes (and thus from different budget lines); this easily leads to the same ‘left hand not knowing what the right hand is doing’ phenomenon as has been observed in previous CFSP development. The self-perception of the EU as an international political actor is growing – a fact not only proved by the change in the name of the budget line, but also manifested in the communications relating to governance/politics-related EU support for struggling, fragile countries outside the neighbourhood and accession sphere. It has been indicated that the EU exerts leverage to promote its values and norms without forcing these on partner countries. It should be emphasised that some of this leverage is not used to its full potential, as ‘punishment’ for non-compliance is not being used by any means consistently. In order to exploit the full potential of EU leverage, double standards will have to be eliminated.

## **Conclusion**

This chapter has shown that with the change in self-perception the improvement in policy delivery and effectiveness as well as in coherence has increasingly been inscribed in relevant EU documents. This change of behaviour would indicate that this is more than adaptation or change; the thesis postulates that these institutional changes have to be viewed as a case of institutional-learning. Therefore, the change in self-perception by the EU is seen to be an independent variable influencing the findings of this thesis. The institutional-learning Framework, which will be developed in due course, will help to determine to what extent institutional-learning or adaptation is actually present. Nevertheless, it has to be recognised that the thematic development is a mixture of adaptation to circumstances and a touch of self-realisation – which will be outlined in more detail in the following chapter, as this will set the development of the state-building policies in a historical context and will be able to make this distinction even clearer.

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## Chapter II - Is there an EU State-Building agenda?

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### *A. Aim*

As the EU does not have an official state-building strategy, the purpose of this chapter is to prove that the EU is in fact engaged in state-building, and that to arrive at this state-building policy the EU has undergone a policy development. It will also be argued that some of these policy changes could in fact be indications of the existence of a learning process. It is unquestionable by now that the European Union wishes to be a global actor. Hence it is surprising that while institutions such as the OECD, UN or World Bank constantly refer to state-building, the EU seems to shy away from using the term. Why? Braithwaite starts by stating that the effectiveness of the EU foreign policy tends to revolve around its crisis management capabilities. While admitting that its record in this respect is rather mixed, he also states that ‘it has been an outstanding success at one of the greatest foreign policy challenges facing the world in the early 21<sup>st</sup> Century: state-building’<sup>180</sup>. How is it, therefore, that external sources attribute so much confidence to the EU in this field whilst the institution itself does not? Even after thorough research no EU definition on state-building was found. The European Peace-Building Liaison Office has a webpage dedicated to definitions used by them.<sup>181</sup> The terms defined there are: “conflict prevention”, “peacebuilding”, “conflict transformation”, “human security”, “peacekeeping” and “civilian crisis management”. One would have hoped to find a definition of “state-building” among this group. Additionally it was noted with regret that all definitions of the above terms are taken from third parties, i.e. from academic and institutional sources. Inspection of the Annual Report on EU activities in the framework of conflict prevention<sup>182</sup> leaves one equally disappointed. Considering the fact that the ‘strategic identity’<sup>183</sup> of the EU is rooted in state-building, it is disappointing that the EU has not come up with a definition itself<sup>184</sup>. The ESS outlined the threats facing Europe and simultaneously made the EU responsible for contributing to global security and stability, hence placing state-building at the centre of Europe’s foreign policy. In general, despite being hailed a successful state-builder, the institution uses the term very sparingly. One has to question why this is the case. Is there a shying away due to political/associative reasons?

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<sup>180</sup> Braithwaite (2005)

<sup>181</sup> European Peace-Building Liaison Office (2010)

<sup>182</sup> 10601/08, General Affairs and External Relations Council (2008)

<sup>183</sup> Gowan, Hulbert and Leonard (2005)

<sup>184</sup> In the context of EU engagement in Iraq, Youngs (2004) also laments the fact that ‘no clear state-building strategy has been elaborated to guide aid work’.



Additionally, bearing in mind that the EU's strategic identity is supposedly based on this concept, why is there still no EU definition? This leads to the question: "Is there an EU state-building agenda"? Is there possibly an alternative term used in the existing documents to describe this concept? During the author's interviews with policy actors in Brussels she was told that internally the EU uses the OECD definition and that there is no perceived shying away from the term, but that it is more due to the long (5-6 years) cycle to update the European Development Framework.<sup>185</sup> It is still striking that no specific strategy paper or Communication from the Commission exist which are dedicated to a concept which is so pertinent to European foreign relations and development actions. Therefore, does the EU really have a state-building strategy? And what are the origins of it, if this is so?

## ***B. EU-led democratisation and regime-change – a predecessor to EU-led state-building?***

### **i. Historical Foundation**

Europe and hence the EU is in the very unique situation that it has a history of intrinsic and exported state-building. Intrinsically, it was a devastated and post-conflict (post-world-war, to be exact) continent, but managed to recover remarkably – both from a governance/political perspective and also from an economic perspective. Chalmers claims that 'its [the EU's] creation of a lasting peace between its competing nation-states, is one of the greatest achievements of the late 20<sup>th</sup> century'<sup>186</sup>. Over time, the EU (and its predecessors) has managed to create a 'security community' which benefitted not only Spain, Portugal and Greece (all of which had suffered from dictatorships and economic underdevelopment) but it has also institutionalised 'co-operation, consolidated democracy, and promoted economic integration'<sup>187</sup>. These developments have also been passed on or supported in the continent's former colonies and later in the EU's eastward enlargement. As a global actor the EU now utilises its Common Foreign and Security Policy (CFSP) to continue this strategy around the globe.

It is argued that there are four blocks to the development of the EU state-building strategy. While some of the literature may claim that all of these four represent state-building processes, this thesis only considers point four to be state-building as understood here – the

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<sup>185</sup> EU Official (2011a)

<sup>186</sup> Chalmers (2002), p. 83

<sup>187</sup> Ibid., p. 83

others are predecessors in the form of state-strengthening, regime-change and democratisation. But they are equally important as they helped devise what is now the EU state-building agenda. The four blocks are as follows:

- the intrinsic state-building of member states (to the European Community (EC) - the institutional predecessors of the EU) in the post-war years,
- the support of former colonies (grouped in the African, Caribbean and Pacific Group (ACP),
- the enlargement towards the Central Eastern European Countries and
- the international engagement in post-conflict states.

In the analysis of the derivation of an EU state-building agenda, it is pertinent to temporarily extend the timeframe and include the EU's predecessors<sup>188</sup>, as the key to today's policies lies in the previously argued change in self-perception by the EU itself and the historical evolution of not only development policies but also the understanding of the developing world and the assumptions resting therein as all these developments are not mutually exclusive.

#### **a) The cases of Greece, Spain and Portugal**

From an EU state-building exercise point of view, it is important to mention the cases of Greece, Spain and Portugal here, because they are often referenced as the first examples of successful EU (or what was to become the EU) state-building. While this thesis argues that these cases fall into the categories of regime change and democratisation rather than state-building, these three countries were the first to test the EU's ability in this matter. This peaceful cooperation between the initial six members (the intrinsic bloc of France, Italy, Belgium, the Netherlands, Luxembourg and the Federal Republic of Germany) was called the Mediterranean Enlargement: Greece (1981) and Spain and Portugal (1986). All three countries were under dictatorships at some point after WW2 and before joining the EU. So what did this regime change look like in these cases?

Greece was the first of the three countries to join. It perceived itself as a bystander at the stage of post-war European unity, and after the military junta came to an end the country sought EC membership 'mainly for political reasons'<sup>189</sup>. As Ifantis notes, application for membership gave the opportunity to 'place the country in an institutional framework within which the development of an international political role and the shaping of a regional

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<sup>188</sup> The predecessors in question are the European Coal and Steel Community (est. 1951), the European Economic Community (est. 1957) and the European Community (est. 1967) which constituted a merger of the two former institutions. Cf. European Union (2011)

<sup>189</sup> Ifantis (2005), p. 79

identity, free from US influence, patronage and intervention, would be facilitated'<sup>190</sup>. He further asserts that this process of Europeanisation 'contributed to the consolidation of the newly established democratic institutions, generated pressures which set into motion administrative adjustments'<sup>191</sup>. It was therefore more an attempt to safeguard the democratic transition by subjecting itself to EU conditions, rules and norms, than a state-building example.

Spain and Portugal were different as their democratic transition had not been completed and it took the EU to institutionalise it. In the case of Spain, de la Guardia claims that the country wanted to join the EC to be part of the international community and end a lengthy period of ostracism<sup>192</sup>. However, the path to membership for Spain was a difficult one: it took almost three decades, as the EC demanded 'a complete transformation of the country which involved embarking on social-economic modernization and establishing a constitutional and democratic government'<sup>193</sup>. Spain's legislation and administration needed to be adapted to the EC framework. The official EC stance on political and institutional aspects of accession was clear: '[T]hose states whose governments are not democratically legitimated and whose peoples do not partake in the political decision-making, whether it be directly or by means of freely elected representatives, cannot expect to be admitted to the society of peoples which form the European Communities'<sup>194</sup>. This made it clear that the only acceptable system of government was a liberal parliamentary democracy and if Spain (or any other country for that matter) wanted to join, it would have to adhere to these EC norms. Spain's institutional mechanisms were therefore greatly influenced and adjusted to the *acquis* when it joined in 1986. At the same time as Spain's accession to the Community, Portugal also joined the EC. Portugal had experienced a failed attempt at democratisation before World War I. However, Portugal's problems were slightly different from Spain's: the military coup 'paved the way for the institutionalization of Portuguese democracy as well as decolonization'<sup>195</sup>. The start of accession negotiations was made conditional upon the establishment of a pluralist democracy. Portugal's government was driven by two objectives: first 'EC membership would consolidate Portuguese democracy, and second, EC

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<sup>190</sup> Ibid., p. 79

<sup>191</sup> Ibid., p. 86

<sup>192</sup> De la Guardia *ibid.* Due to Spain's collaboration with Nazi Germany, it was excluded from the United Nations and was denied the benefits of the Marshall Plan.

<sup>193</sup> Ibid., p. 95

<sup>194</sup> Cf. Birkelbach Report as quoted in *ibid.*, p. 97

<sup>195</sup> Pinto and Teixeira *ibid.*

assistance would guarantee the country's modernization and economic development'<sup>196</sup>. The cases of Spain and Portugal are therefore a good example of EU leverage to promote its norms and values.

The prospect of EC membership created a very unique political environment. Membership was such a pull factor for the countries that they let the EC prescribe their style of government: a pluralistic democracy. With this adaptation of the *acquis*, EC policy norms were promoted - giving the countries a sense of direction and helping to transform policy patterns. Taking note of this evolution and 'translating' it into present academic jargon, it is possible to detect an EC-led democratisation effort including election support. But what makes this transition more than just a democratisation effort was the inclusion of governance enhancement, institutional reforms and economic and social development. A major difference to fragile state state-building is that these countries already had functioning states beforehand. As the conditions during this episode were so unique and the EU leverage was shaped by the complacency with the *acquis* that achieved the change in the countries' governance system and statehood, not much institutional-learning evidence can be derived from these.

#### **b) The African, Caribbean and Pacific (ACP) Countries Group**

While the previous efforts were focused on the EU internally, the state-building efforts in the ACP group were the first which actively supported democratisation and state-building through tutelage and advice. It should be noted that the ACP states mostly have strong historical links with the European States due to colonialism. Most former colonies have experienced governance problems of some sort and several have experienced fierce dictatorships in the aftermath of the decolonisation process. European colonial territories had taken the form of "colonies", "protectorates", "mandates", "trust territories" or "dominions". Whatever their status, all had been formally subjected to legal subordination to a foreign power and were hence denied their sovereignty<sup>197</sup>. Milliken and Krause rightly state in their analysis of post-colonial state failure and collapse that

'in the long-term search for solutions to problems of political order the state has been reformed and remade, but since the end of empire as a political form, it has been the state – and not some other form of political organization – that has been promoted as *the* answer to addressing social and economic upheaval, conflict and war. [...] This has important implications for how we understand state collapse and failure, especially in the post-colonial

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<sup>196</sup> Ibid., p. 121

<sup>197</sup> Cf. Chandler (2010), p.47

world, since in these parts of the world the narrative of the developmental state has been crucial to the discussion of state failure and collapse<sup>198</sup>. The colonial history of the member states has influenced the development policy of the EU (and particularly of its predecessors) greatly. The developing world was defined geographically and by the countries' historical links to their former colonial powers<sup>199</sup>. This link is still strongly noticeable in the provision of special arrangements for the association of overseas countries and territories (OCTs) in the treaties.<sup>200</sup> This also led to the formation of the ACP Group for the purpose of the first Lomé Convention in 1975. The ACP group presently has 79 members, all of which had a colonial past with one of the member states at some point, or had been a UN administrated territory following independence<sup>201</sup>. All ACP countries (with the exception of Cuba) are signatories to the Cotonou Agreement which binds them to the EU<sup>202</sup>. As with all EU legislation, ACP-EU relations have gone through several agreements (Yaoundé, Lomé I-IV, Cotonou). The main legislative developments were as follows: the Yaoundé Convention was mainly economic and had no political dimension whatsoever, and the notion of good governance had yet to be conceived<sup>203</sup>. Under Lomé IV the relationship became more political: good governance, democracy and human rights issues came to dominate the EU-ACP dialogue. Good governance was emphasised by making 'respect for human rights, democratic principles and the rule of law'<sup>204</sup> essential elements of the agreement. The Cotonou Agreement has been given a second revision. It is based on three complementary pillars consisting of: development cooperation, economic and trade cooperation and the political dimension.

The (constantly) increasing systematic inclusion (and hence promotion) of EU democratic norms and values is readily detectable over the years/agreements. In 1998 this norm and value transfer was highlighted in the Communication "Democratisation, the rule of law, respect for human rights and good governance: the challenges of the partnership between the European Union and the ACP States"<sup>205</sup> which identified the following priorities:

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<sup>198</sup> Milliken and Krause (2002), p. 762 (emphasis as in original)

<sup>199</sup> Cf. Holland (2002), p. 2

<sup>200</sup> Cf. ToA (TEC, Art. 136, Annex II and Declaration 36), ToN (TEC, Part Four, Art. 182-3 and Annex II), ToL (TFEU, Part Four, Art. 198-9 and Annex II); there is also mention of the OCTs in the ToM and as early as the Treaty of Rome. OCTs are countries and territories which have special relations with Denmark, France, the Netherlands and the UK.

<sup>201</sup> This conclusion was reached by comparing ACP countries (cf. ACP Secretariat (2005)) with a list of dates of their independence from European countries (cf. Fulbrook (2001), pp. 271-4)

<sup>202</sup> Cf. ACP Secretariat (2005)

<sup>203</sup> Cf. Holland (2002), p. 32

<sup>204</sup> Ibid., p. 50

<sup>205</sup> COM(1998)146, European Commission (1998)

- supporting democratisation as a long-term process involving developing civil society,
- institutional reforms and the consolidation of change;
- promoting and strengthening the rule of law;
- supporting local and regional institutions;
- promoting pluralist civil society in a context of sustainable social and human development.

A shift from mere economic cooperation to a more complementary approach becomes visible. As outlined in the Section on Mediterranean Enlargement, the EU's emphasis on multi-party elections and procedural democracy can also be found in its approach to the ACP countries. Burnell points out this relationship by highlighting the predominance of electoral assistance being included in the National Indicative Programmes of ACP states<sup>206</sup>. As the state was “out of fashion” (due to ideological preferences of the time) these policies were not termed state-building because the emphasis was laid on democratic principles and civil society, as well as on economic development. Retrospectively, this confirms the claim that elements of state-building were already used by the EU in their previous relationship to ACP countries.

### **c) Post-Communist Countries**

While one can make the claim that the cases of the Mediterranean Enlargement and the CEEC enlargement are too similar to justify another category, there is however one very significant difference between them. While the Mediterranean Countries were emerging from dictatorship, the CEECs were emerging from communism. Furthermore while the Mediterranean enlargement happened during EC “reign”, the Eastern Enlargement was conducted when the European Union had been in existence for some years. Ever since 1989 – which corresponds with the start of the demise of the Soviet Union – the Central and Eastern Europe Countries (CEECs) have undergone a democratisation process facilitated mostly by the European Union. In their search for security outside of the former Warsaw Pact, some of these newly created states turned to the West for alliance. As the most important regional organisation, the EU quickly started to initiate programmes of support, e.g. PHARE<sup>207</sup>, and established relationships with countries seeking their proximity. As the only alternative was to turn back towards Russia, many CEECs decided to develop their relationships further and to apply for membership between 1994 and

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<sup>206</sup> Cf. Burnell (2000), p. 110

<sup>207</sup> Originally created in 1989 as the “Poland and Hungary Assistance for Restructuring their Economies” (PHARE) programme, it was since extended to include other accession countries. Karen E. Smith nevertheless claims that the PHARE programme was only set up in 1992 after the Yugoslav war broke out; hence she links the wish for stability in the region on the part of the EU with the setting-up of the programme, but implies that the EU only acted once the need had become dear. Cf. Smith (2003), p. 105

1996<sup>208</sup>. The neighbouring EU member states therefore initiated the Stability Pact in 1999. This pact included an increase in financial aid for the countries concerned, but it most importantly ‘emphasised the prospect of EU membership’<sup>209</sup> for such CEECs. In this constellation (in marked contrast to the situation in Afghanistan), the EU was involved as the only international institution as the aspired EU membership set the ground-rules. The Copenhagen Criteria, which were established at the Copenhagen European Council in 1993, laid out the conditions for accession and the countries were again required to adhere to the *acquis* and the norms and values postulated in the treaties. To help these countries to apply for accession, Europe Agreements were drawn up to ‘provide a framework for political dialogue, to establish free trade between the states concerned and the EC/EU, to help the associate states progress towards the economic freedoms of the community, and to help in the development of market economies’<sup>210</sup>. The relationship thus evolving between the EU and CEECs was marked by concern on the part of the former for political stability in the region and by external governance on the part of the EU with respect to the CEECs. To promote the fundamental values and norms of legitimate statehood, political conditionality was used to promote such tenets as ‘human rights, liberal democracy and the rule of law’<sup>211</sup>. It should be noted that the change derived from this process was more one of homogenisation – the EU stimulated change in the applicants in order to align their national policies with the *acquis communautaire*<sup>212</sup>. Thus while again elements of state-building were employed, it was more a case of state-strengthening and democracy promotion.

#### **d) Non-enlargement Countries**

Since the Treaty of Maastricht the EU has been committed to democracy promotion. While the previous example of efforts at achieving democratisation was underpinned by specific pull-factors and a unique leverage – membership for the Mediterranean three and the post-communist CEECs or special relations with their former colonial powers for the ACPs - the leverage towards non-accession countries would have to be of a different nature as it would have to do without these pull-factors. The main choice of instruments which the EU has at its disposal is either a positive approach or a coercive approach. In general, it is fair to say that the EU focusses mainly on the positive approach. The Copenhagen Criteria used this incentive policy as a form of indirect coercion. This positive incentive approach was

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<sup>208</sup> Goetz (2005)

<sup>209</sup> Baun (2000)

<sup>210</sup> Nicoll and Salmon (2001), p. 511

<sup>211</sup> Schimmelfennig, Engert and Knobel (2005)

<sup>212</sup> Cf. On the subject of homogenisation and isomorphism Radaelli (2000)

utilised in conjunction with development assistance to fund specific projects aimed at strengthening democratic institutions and practices.<sup>213</sup> In its study, IDEA discovered that most of its partners (which were all involved in democratisation) saw ‘the EU [...] well placed to take a leadership role in shaping new approaches’<sup>214</sup>. They found that EU to have four policy options:

- 1) to tap into its own internal experiences to inform its external action,
- 2) to apply a broad understanding of democracy,
- 3) to stand by its long-term commitments,
- 4) to move towards genuine partnerships.<sup>215</sup>

Some aspects of these options have been taken up in the EU approach, but yet again a lack of consistency and of full commitment is clearly noticeable. One major inconsistency which became obvious from the documents is the difference in focus displayed when it comes to democracy promotion in development and CFSP policies. Whereas in development policies the emphasis lies on good governance and on related *delivery* aspects of democracy, the focus in the CFSP is on democracy *promotion* and *support* for human rights, political institutions and citizen participation. This link between human rights and democracy is sometimes taken to extremes when the two are equated<sup>216</sup>. This thesis argues that the confusion is partly due to a lack of definition of the term democracy promotion and indeed of democracy itself in EU documents. The question is whether – as has been asked earlier with respect to state-building – this lack of definition is due to a fear of setting a standard by which EU action could be measured.

But before determining definitely whether the EU is in fact performing “state-building”, it will serve well to recall the policies and institutions available to the EU and place them in the bigger picture.

## **ii. What policies and institutions are available to the EU?**

After having outlined the CFSP policies (and their development over time) in detail in the previous chapter, it will now be useful to focus on the available state-building policies. As was pointed out, the EU does not have one single policy or strategy entitled “state-building”, but by compiling an overview of the policies dealing with aspects of state-

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<sup>213</sup> Youngs (2001b), p.21

<sup>214</sup> IDEA (2009), p.7

<sup>215</sup> Cf. Ibid., p.12

<sup>216</sup> Cf. Ibid., p.24



building<sup>217</sup> such as policies dealing with peace-building, reconstruction, the promotion of state stability, democratisation but also the EU development policies and those dealing with human rights and good governance, it can be argued that the EU by now does indeed have all the components of such an agenda. The most prominent institutions and policies/strategies of the EU involved in state-building are therefore:

- The Common Foreign and Security Policy which is anchored within the treaties.
- The Rapid Reaction Mechanism which allowed the Community to respond more quickly to situations and was limited to a deployment of 6 months was replaced by the Instrument for Stability in 2006.
- Communication from the Commission on the European Community's Development Policy. COM(2000)212 final.
- Communication from the Commission to the Council and the European Parliament - The European Union's Role in Promoting Human Rights and Democratisation in Third Countries. COM(2001)252.
- Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee - Governance and Development. COM(2003)615.
- Communication from the commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Towards an EU response to situations of fragility. COM(2007) 643<sup>218</sup>.
- With the European Security and Defence Policy (ESDP), which also implements policies of security sector reform<sup>219</sup> (SSR) and disarmament, demobilisation and reintegration<sup>220</sup> (DDR) together with those policies mentioned above, most aspects of the EU's involvement in state-building are "covered".
- The European Initiative for Democracy and Human Rights (EIDHR) supports democracy and human rights initiatives outside of the EU. It also trains experts for civilian crisis missions in the rule of law and civilian administration.
- The European Community Humanitarian Office (ECHO) was created to provide humanitarian aid and emergency assistance, mainly to victims of natural disasters or armed conflict outside of the boundaries of the EU. Food aid is also provided by ECHO.

One can only imagine the level of bureaucracy required to start a state-building process with so many institutions, departments and policies (all with different funding and budget lines) involved. This accumulates in the fact that, as was pointed out during the analysis of the budgetary evidence for the share of CFSP in the EU budget in the previous chapter, there is no single budget line for "state-building". As a matter of fact, there is none entitled "state-building" but one would have to add up all the components to arrive at a figure for state-building expenses. To complicate the matter further, the policies involved are not even in the same title group. It is therefore impossible to calculate exactly the annual expenditure

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<sup>217</sup> The details of the state-building concept will be defined in the next chapter

<sup>218</sup> COM(2007) 643, European Commission (2007b)

<sup>219</sup> 12566/4/05, Council General Secretariat (2005)

<sup>220</sup> 16387/06, Council General Secretariat (2006)

on state-building for a specific country. So the question remains why the EU does not have a state-building department which could oversee the efficient implementation of a more coherent state-building approach<sup>221</sup>. Considering the fact that all policies call for effectiveness and coherence, this would be the point at which such a process would be achieved by simple coordination and increased overview. In addition, the EU is not the only institution engaged in state-building; other institutions have already started to create sections devoted to post-conflict reconstruction or peace-building. While the EU is a younger organisation than the UN or the World Bank, and as a result many of its policies are still likely to be “drafted on the go”, it can still be expected to be sufficiently mature not only to work in a “reactive” fashion, but also to be proactive and to establish a comprehensive framework for its state-building efforts.

Even institutional critics such as Ghani and Lockhart<sup>222</sup> point out that the EU has a different approach to state-building than other institutions as its policies are linked to a goal and a set of values. The existence of a set of values is certainly true, but apart from the intrinsic goal of building an efficient state, the “carrot” of membership which worked so well for Central Eastern European Countries in their transition process does not work for a fragile (post-conflict) country like Afghanistan as it lies outside the enlargement sphere. On the other hand, Chalmers draws attention to a different aspect of state-building: he welcomes the advantage the EU has over other states, in the sense that the EU would be a successful state-builder ‘precisely because it is not a state, but a matrix: a complex framework of mutual obligations, rights and processes that bind states together, and thus allow them to co-exist peacefully’<sup>223</sup>. The EU therefore should have a competitive advantage when negotiating with other parties to come to legitimate agreements – after all it managed to pass the Treaty of Lisbon following considerable debate and this required 27 countries to agree on a text. Braithwaite sees this experience with bureaucratic haggling – which was also needed during the accession process – as a competitive advantage the EU could use in institution-building within a state-building framework<sup>224</sup> - whether this is the case has yet to be proved. EuropeAid seems to have picked up this idea with its concept

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<sup>221</sup> None of the author’s interviews in Brussels could throw light on this question.

<sup>222</sup> Ghani and Lockhart (2008)

<sup>223</sup> Chalmers, von der Schulenburg and Braithwaite (2005), p. 4

<sup>224</sup> This argument is based on initial ideas by Braithwaite (2005)

paper on public sector reform, which could well be considered a guideline for countries to follow in an attempt to improve their governance and efficiency.<sup>225</sup>

**a) What is the EU instrument used in the promotion of democracy?**

As the EU places such an emphasis on democratic governance and democratisation and they are such a substantial part of state-building, it will be worthwhile to inspect this instrument in a little more detail. The European Instrument for Democracy and Human Rights (EIDHR) was launched in 2006 and is itself a regionally independent instrument. Itself a regional organisation, the EU also places emphasis on regionalism in its democracy promotion programmes. The most prominent (and most researched) of these is that of promotion through conditionality in the Cotonou Agreement (2000) for ACP countries, followed by MEDA (Mediterranean countries), Latin American Countries and then other regional programmes. The key objectives of the EIDHR are (verbatim)<sup>226</sup>:

- Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk;
- Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation;
- Supporting actions in areas covered by EU Guidelines: dialogue on human rights, human rights defenders, the death penalty, torture, children and armed conflicts and violence against women;
- Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy;
- Building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through monitoring electoral processes.

As can be seen from these objectives, electoral support and monitoring have become a major focus in EU support, although the EU concedes that elections are not a guarantee for a stable or consolidated democracy. Meyer-Resende points out that there are two layers to democracy promotion: *assistance* is provided to governments and NGOs, followed by *political responses* to the democratisation process<sup>227</sup>. This assistance is provided through the EIDHR instrument, which defines “election assistance” as: ‘the technical or material support given to the electoral process.’<sup>228</sup> But with democratisation spreading, the EU was fairly quick to jump on the ‘election observation bandwagon’<sup>229</sup>. Election monitoring, which is equivalent to Meyer-Resende’s second layer, is defined as: ‘the political complement to election assistance. Its main goals are the legitimisation of an electoral process, where

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<sup>225</sup> EuropeAid (2009b)

<sup>226</sup> European Commission (2009e)

<sup>227</sup> Cf. Meyer-Resende (2006)

<sup>228</sup> European Commission (2009g)

<sup>229</sup> Smith (2003), p.138

appropriate, and the enhancement of public confidence in the electoral process, to deter fraud, to strengthen respect for human rights, and to contribute to the resolution of conflict<sup>230</sup>. From Table 2.1 it is evident that the EU has been consistently involved in election monitoring; hence legitimisation by the EU must have value attached to it.

2008	Nepal, Bhutan, Ghana, Angola, Rwanda, Cambodia, Guinea Bissau, Bangladesh, Bolivia, El Salvador
2007	Pakistan, Kenya, Togo, Ecuador, Guatemala, Sierra Leone, Timor Leste, Nigeria, Mauritania, Indonesia: Province of Aceh
2006	Bangladesh, Mauritania, Venezuela, Nicaragua, Zambia, Yemen, Congo, Bolivia, Mexico, Fiji, West Bank & Gaza, Haiti
2005	Venezuela, Sri Lanka, Liberia, Burundi, Guinea-Bissau, Afghanistan, Lebanon, Ethiopia
2004	West Bank, Gaza
2003	Mozambique, Malawi, Sri Lanka, Indonesia, Guatemala, Cambodia, Rwanda, Nigeria
2002	Kenya, Madagascar, Pakistan, Ecuador, Sierra Leone, East Timor, Congo-Brazzaville, Cambodia
2001	Nicaragua, Sri Lanka, Bangladesh, Guyana, East Timor, Zambia, Peru

Table 2.1 EU Election Observation Missions 2001-2008<sup>231</sup>

The number of election monitoring missions is generally growing and the missions are spread all over the world. This is a sign that the EU is indeed a global player and that its expertise in democracy promotion is frequently called upon. Karen Smith even argues that EU policy-makers consider the civil society approach one of the strengths of the EU Programme as it is non-prescriptive, grassroots and focused on social development<sup>232</sup>. But is it really? What about political conditionality employed in the development policies and the accession process?

## **b) EU Conditionality as a Bargaining Strategy**

Once again, the influence of the Union's self-perception is visible in its approach to conditionality. The emphasis on economic conditionality to promote democracy promotion

<sup>230</sup> European Commission (2009g)

<sup>231</sup> European Commission (2009d) and Meyer-Resende (2006)

<sup>232</sup> Smith (2003), p.137

policies is extremely telling in this respect. This emphasis arose out of the underlying assumption that ‘economic reform and market- and administrative-related capacity-building was in most cases likely to spill over to broader political reform’<sup>233</sup> and signposts the influence that Bretton-Woods institutions have on the EU. Conditionality changed with time, but on the whole the definition of conditionality given by Brusis offers a very useful introduction: ‘Conditionality is assumed to effect a policy change by influencing the cost-benefit calculations of domestic actors but may be combined with processes of learning and socialization through which domestic actors adopt shared belief systems’<sup>234</sup>. In the specific case of EU political conditionality, this did not only include formal statements but also the operationalisation and the mechanisms by which the formal rules are transmitted<sup>235</sup>.

In general it is fair to say that the EU has always operated more on the basis of the carrot than the stick.<sup>236</sup> The problem with EU democracy promotion was that it was quite often linked to good governance (as already indicated in the communications concerning sustainable development) and that these two values have been dealt with as conditions and objectives alike<sup>237</sup>. Youngs rightly notes that ‘democratic shortfalls were only extremely rarely deemed sufficient in their own right to justify punitive measures. Sanctions and strategies of isolation were reserved for what were considered to be seriously ‘rogue’ states threatening security and regional stability’<sup>238</sup>. This inconsistency in withdrawal of rewards or punishment for “bad behaviour” like coup d’états, fraudulent elections, violations against democratic principles or human rights, has rightly been criticised by many as it also undermines EU leverage<sup>239</sup>. Table 2.2 shows some instances in which action was taken due to breaches in democratic governance, the rule of law or human rights. It should be noted however that half of the table still dates from before the ToM, and hence from the period of institutionalisation of democracy promotion; the majority of the countries are ACP states which are now subject to the Cotonou Agreement. Furthermore it should be noted that

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<sup>233</sup> Youngs (2001a), p.35

<sup>234</sup> Brusis (2005), p. 296 quoting Schimmelfennig, F., ‘Introduction: the Impact of International Organizations on the Central and Eastern European States – Conceptual and Theoretical Issues’ IN Linden, Ron (Ed) (2002), ‘Norms and Nannies. The Impact of International Organizations on the Central and Eastern European States’ Rowman & Littlefield

<sup>235</sup> Cf. Hughes, Sasse and Gordon (2004)

<sup>236</sup> Holland (2002), p.132

<sup>237</sup> Santiso (2003b), p.2 This was of course highly contradictory, and particularly with respect to fragile countries such as Afghanistan poses a major problem. The OECD Principles on Engagement in Fragile States (OECD (2007)) picked up on this, and the concept of “good enough governance” was henceforth introduced into the vocabulary of the international donor community.

<sup>238</sup> Youngs (2001a), p.18

<sup>239</sup> Cf. Beetham and Lord (1998), Marinov (2004), Santiso (2003a)

sanctions are only effective for countries having an economic relationship with the EU – otherwise this measure has no leverage.

	Reason for EU action			
	Year	Human Rights	Rule of Law	Democracy
<i>ACP States</i>				
Sudan	1990	X		X
Haiti	1991		X	X
Kenya	1991			X
Zaire	1992			X
Togo	1992			X
Malawi	1992			
Equatorial Guinea	1992	X	X	
Nigeria	1993	X		X
Gambia	1994		X	X
Comores	1995		X	X
Niger	1996		X	X
Burundi	1996		X	X
Sierra Leone	1997		X	X
<i>Other developing states</i>				
Guatemala	1993		X	X
<i>Transitional economies</i>				
Belarus	1997	X		X

Table 2.2 EU sanctions based on violations of democracy, human rights, the rule of law or good governance, 1990-98<sup>240</sup>

In the context of this thesis, it is more important to determine how the EU used conditionality to make states adhere to its “suggestions” and what gave it the political leverage to do so. In the case of the CEECs, Pridham argues that the EU can be seen as the most important political actor in the transformation process of these countries, as it ‘possesses an institutionalized regional framework which readily transmits the kind of influences and pressures that may affect the course of democratization, deliberately or otherwise’<sup>241</sup>. This was achieved by the *acquis communautaire*, which was intended to equip states with the technical accoutrements of laws and regulations necessary for them to become effective states within the European Union. This was the reason that political conditionality and above all democratic conditionality were ‘strict precondition[s] both for opening membership negotiations and for accession’<sup>242</sup>. The concept of EU conditionality

<sup>240</sup> Table as depicted in Holland (2002), p. 134

<sup>241</sup> Pridham (1999)

<sup>242</sup> Pridham (2005)

as a bargaining strategy assumes that the actors involved in the consolidation process are ‘strategic utility-maximisers, interested in the maximisation of their own power and welfare’<sup>243</sup>. To make these utility maximisers comply with conditions, the EU uses the simple but powerful strategy of “reinforcement by reward”<sup>244</sup>. “Reinforcement by reward” is understood here in the manner defined by Schimmelfennig, Engert and Knobel: ‘an international organization reacts to the fulfilment or non-fulfilment of its conditions by granting or withholding rewards, but does not engage in the coercion or large-scale support of non-compliant states’<sup>245</sup>. This reward takes the form of financial or expertise assistance towards the ultimate goal of all CEE accession countries: EU membership. And for countries not eligible for membership the EU offered two kinds of reward: (financial) assistance and institutional ties. In the case of EU democratic conditionality, countries failing to fulfil political criteria were denied further assistance or the upgrading of their institutional ties. But the strongest bargaining criterion of the EU remains membership, as this ‘is not only the highest form of social recognition but also the highest material incentive’<sup>246</sup>. As the reward of full EU membership was the same for all CEE accession countries, the question may be asked why there are such divergent differences in the implementation of democratic conditionality. This leads to the supposition that the scope of EU influence on conditionality depends on the initial conditions prevailing in the respective countries. Hence, Schimmelfennig, Engert and Knobel argue very convincingly that ‘the likelihood of rule adoption has varied mainly with the size of adoption costs’<sup>247</sup>. The strongest argument in this aspect is that a government that is afraid it will erode its power basis or give up its sovereignty by implementing EU rules will of course not comply with and will remain unresponsive to EU incentives. Nonetheless, it should be noted that ‘before the EU used its conditionality, rule adoption was limited and selective, but it increased dramatically after conditionality set in’<sup>248</sup>.

The above deliberations demonstrate that the success of reinforcement at intergovernmental level depends heavily on the government’s cost-benefit calculations and on its commitment to Europe. Favourable domestic conditions and support of the elite

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<sup>243</sup> Cf. Schimmelfennig and Sedelmeier (2004), p. 663

<sup>244</sup> Schimmelfennig, Engert and Knobel (2003), p. 495

<sup>245</sup> Ibid., p. 496

<sup>246</sup> Ibid., p. 501

<sup>247</sup> Schimmelfennig and Sedelmeier (2005), p. 29. It should be seen that the concept of adoption costs outlined here does not apply to *acquis* conditionality as this does not concern the political system; costs are therefore unlikely to be prohibitive.

<sup>248</sup> Schimmelfennig, Engert and Knobel (2005), p. 31

allowing for low adoption costs in conjunction with high credibility and the material bargaining strategy determine the success of EU conditionality. If one considers that even in the cases of the CEECs where the EU had the greatest political leverage possible to press for compliance – namely EU membership – the result is a very sobering one. And to return to Karen Smith’s comment that the EU’s approach is non-prescriptive, this has been proved to be questionable because the withdrawal of rewards on account of non-fulfilment of the conditions of democratic governance is inherently prescriptive.

### ***C. Changes in attitudes towards state-building and the derivation of an EU approach***

Could it therefore be argued that the change in policies towards a state-building approach was a learning process, or what was the origin of the shift in EU policies from democratisation to state-building? It has been shown that despite the EU being so closely linked to state-building there are very few documents which have referred to the process. The ones which have are mainly in the context of a specific country or event – certainly not as a general EU strategy. In fact, the first mention of the term was probably by Olli Rehn as he referred to ‘state-building’ in the course of a speech given on ‘Ten years after Dayton and beyond’ as early as 2005<sup>249</sup>. EU High Representative Javier Solana and EU Commissioner for External Relations Benita Ferrero-Waldner referred to it in their “State-building for peace in the Middle East: an EU action strategy”<sup>250</sup>. In the context of Afghanistan the term “state-building” has made more frequent appearances; Solana referred to it with respect to setting an election date for Afghanistan in 2009, when he states that ‘elections are essential to guarantee the participation of the people of Afghanistan in the democratic process of state-building’<sup>251</sup>; or Baroness Ashton’s remarks at the Munich Security Conference in 2010 where she stated that ‘[t]he EU is doing what we do best: working with the government to rebuild a functioning Afghan state. Afghan ownership requires capable Afghan institutions, whether to ensure regional economic development or cement the rule of law’<sup>252</sup>. It has further made appearances in the Annual Action Fiches for Afghanistan, or whilst the term “state-building” is not used, the policies refer at least to “institution-building”. Hence it does not seem as if it is EU policy not to use this

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<sup>249</sup> Rehn (2005)

<sup>250</sup> Solana and Ferrero-Waldner (2007)

<sup>251</sup> CL-09-050EN, Solana (2009)

<sup>252</sup> Ashton (2010a)



terminology, especially as the examples given above show that it has been used in three different contexts: Middle East, Kosovo and Afghanistan.

External actors have engaged in state-building<sup>253</sup> activities long before the likes of Afghanistan, Iraq or East Timor, although these activities differ substantially in their quality, scope and “footprint”. But where do these strategies and attitudes come from? And what is specific to EU strategies? The main difference between types of state formation in early modern Europe as addressed by Tilly and in the analysis of fragile states is that these early formations were endogenously driven, whereas the subject of our analysis is externally driven. Historically, the process was a coercive activity predominantly concerned with preparing for or waging war<sup>254</sup>. In this context, it is important to stress that ‘from a historical political economy perspective, state formation and state-building have emerged as long-term, tumultuous, inherently violent and conflict-ridden processes that are also deeply political’<sup>255</sup>. Nowadays, the process tends to be understood along the lines of international intervention in fragile or collapsed states, including military intervention by external forces (e.g. UN), followed by peace-keeping forces and reconstruction and development efforts (under the umbrella of state and nation-building)<sup>256</sup>.

In order to understand the evolution of the EU state-building agenda, it is helpful to consider that not only the EU’s self-perception changed over the years, but also the international attitude towards the concept of state-building changed. The following is a brief run through the developments: during the 1990s, the post-World War II occupation of Germany and Japan<sup>257</sup> has regularly been used as justification for interventionist practices

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<sup>253</sup> It has to be noted that during this section of analysis, the terms state-building, nation-building and peace-building will be used interchangeably because (some of) the literature does not make a distinction between these concepts as this thesis does, but for the sake of consistency with the sources, the author uses the terms as used by the authors quoted.

<sup>254</sup> Cf. Waldner (1999)

<sup>255</sup> ODI (2007), p. 51

<sup>256</sup> One of the first attempts at exogenous state-building was made by the British shortly after the end of World War I in modern-day Iraq (Arikanlı (2010), Dodge (2005), Dodge (2006)); but the attempt was abandoned as the British people and the then elected government became convinced that the state was in no condition to justify the time and money needed to turn Iraq into a liberal democracy (ibid. It should be noted that Dodge identifies the lack of adequate military power and hence failure to impose coercion in both British and US occupation of Iraq as the key to their failure). This brought a temporary halt to state-building attempts in general.

<sup>257</sup> Dobbins et al. (as cited in Scott (2007), p.9, refer to Germany and Japan as the ‘only concrete examples of state-building success’. Nevertheless, one should not forget that both Germany and Japan were countries with strong existing institutions, and there were further causal factors contributing to their success. In her comparison between Germany and Iraq, Flockhart points to another determining factor in the successful democratisation. Flockhart (2006)

of exogenous state-building, long-term engagement and international administration to foster rapid transformation towards democracy and economic growth<sup>258</sup>. In this context, Edelstein points out that in fact they were cases of military occupation which usually runs contrary to state-building missions<sup>259</sup>. What the US did in Germany and Japan was to dismantle the political, economic and social organisational structure of the state and in effect to rebuild these states<sup>260</sup>. One might ask the question whether this was the reason why the terms nation-building and state-building were used interchangeably at that time; and why, as Scott points out, nation-building was so heavily discussed in the 1950's and 1960's; and consequently, why it carried such a 'strong conceptual link to modernisation theories of development'<sup>261</sup>. During the Cold War, the tendency was to link security and development since poverty and underdevelopment were seen as threats to stability. Furthermore, the idea of nation-building was in a way "hijacked" by the two superpowers in an attempt to consolidate their sphere of influence. At the same time, nation-building supported a state's right to self-government and stressed the sanctity of sovereignty, thus preventing external intervention<sup>262</sup>. It is important to bear in mind that during the Cold War the state was the primary security referent, because despite all calls for development and self-determination of the people, the main concern of the international community was – and still is – security.

In the 1980s, under the aegis of the Washington Consensus<sup>263</sup> (WaC) which evolved in 1989 after the breakdown of Keynesian consensus during the late 1970s, the Bretton Woods institutions made their development aid conditional upon structural reforms (Structural Adjustment Programs (SAPs)); state and nation-building efforts were rolled back. The focus had turned to development in terms of macroeconomic discipline and a market economy<sup>264</sup>. The development paradigm took on an anti-statist stance<sup>265</sup>.

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<sup>258</sup> Cf. Chandler (2010), Conclusion

<sup>259</sup> Edelstein (2009), p. 95

<sup>260</sup> Cf. Mac Ginty and Williams (2009), Box 5.1.

<sup>261</sup> Scott (2007), p. 4

<sup>262</sup> Chandler (2008), Fukuyama (2004)

<sup>263</sup> The Washington Consensus was initially drawn up for the countries of South America which had become heavily indebted in the wake of the commodity price shocks of the 1970s – due to a rapid increase in oil prices. These countries had become immobilised as their debts only produced increased inflation and led to vast balance-of-payment deficits and constantly decreasing GDP. Williamson's plan revolved around 10 points: 1) fiscal discipline, 2) public expenditure priorities, 3) tax reform, 4) financial liberalisation, 5) exchange rates, 6) trade liberalisation, 7) FDI, 8) privatisation, 9) deregulation, 10) property rights (cf. Williamson (2004), Williamson (1993))

<sup>264</sup> Williamson (2002)

<sup>265</sup> Call, in Call and Wyeth (2008), goes even so far as to claim that states were 'actively undermined by international efforts at peace and development' (p. 12).

Therefore, turning the focus back to the developments in EU policies, the Commission published a Communication on the European Community's Development Policy<sup>266</sup> which acknowledges that 'fresh' development strategies needed to be acquired. The Policy seems to borrow some of its emphasis from the World Bank Poverty Reduction Strategies as it defines the reduction of poverty as being one of its main focal points. It identifies the problem of unclear policy objectives and calls on the Commission to develop better suited instruments, to implement improvements both in monitoring and evaluation and - most importantly for this thesis - in institutional-learning. A link is drawn between poverty reduction, economic growth and trade - but a section relating to institutional capacity-building, good governance and rule of law is noticeably absent. All the policies mentioned in the document assume the presence of the above. This point is acknowledged towards the latter part of the policy paper, but apart from a reference to initiatives such as TACIS and ACP-EU (Cotonou) no specific measure is mentioned to rectify these shortcomings. If we look at these developments on a timeline, their interconnectivity becomes clear:

<b>Time frame</b>	<b>Era</b>	<b>Bretton Wood Agreements</b>	<b>Security Provider</b>	<b>Policies</b>
End of WW2 to pre-1980s	Cold War		State	Nation and state-building
1980s	Cold War	Washington Consensus	State Alliances + (e.g. NATO)	SAPs, democratisation
1990s	Post-Cold War	Post-Washington Consensus		PRSPs, – Responsibility to Protect; democratisation and “bring the state back in”, human rights, GG
2000	Post-Cold War	Millennium Goals		Needs-based
Post 9/11	War on Terror			State-building + nation-building

Table 2.3 State-Building Policies during certain Eras

Some of these events are of a more fluid nature than depicted in Table 2.3, which should only be used as an aid for visualisation. From Table 2.3 it is obvious that the development policies of the EU lag behind the Bretton Woods policies, and it always takes some time for the EU to “jump on the bandwagon”. This behaviour becomes clearly apparent when one bears in mind that the EU named its development policies the “Development *Consensus*”<sup>267</sup>

<sup>266</sup> COM(2000)212 final, European Commission (2000b)

<sup>267</sup> European Parliament, Council and Commission (2006). An argument also advanced by Hout (2010b), p. 5

in emulation of the “Washington *Consensus*”. Utilising Krasner’s terminology<sup>268</sup>, these policies would involve no conflict with sovereignty because governments with adequate governance capacity would protect human rights – hence the emphasis on good governance in the following PRSPs and EU policies. With the failure of the SAPs and the unsuccessful intervention in Yugoslavia, the importance of the state started to re-emerge, but was now linked to the concept of good governance. Chandler is convinced that the policies of the 1980s and 1990s, which tended to bypass state institutions, ‘gave coercive powers of conditionality to international financial institutions (IFIs) which imposed fiscal regimes cutting the state’s role in the economy and service provision; implemented discrete projects run independently by international agencies and NGOs; and dictated policy outcomes through tying aid to donor goods and services’<sup>269</sup>. He even goes so far as to state that the aim of interveners is not to create strong states but to advocate programmes of liberal peace to avoid direct accountability.

For the analysis of EU learning in state-building, it was important to examine this development in a little more detail. The reason for this (only) brief epitome of general state-building trends was to place the EU’s state-building agenda in (historical and contextual) relationship to developments outside the Union. It was as a clear consequence of the WaC that the development approach changed from state and nation-building to promoting democratisation, human rights and NGO involvement. This might not be as obvious in the initial development of the EU, because the EU was only established in 1993, but the legacies of these policy developments by the Bretton Woods institutions are still visible in EU practices long after their first introduction. Therefore to answer the initial question of this section, whether the development of the EU state-building agenda could be an indication of policy learning, it would have to be argued at this point that it seems more likely that the EU was influenced by international developments. Yet as the concept of institutional-learning is still to be developed in all its distinctive features, this might prove to be a hasty conclusion.

### **What does this mean for the EU state-building agenda?**

First of all this chapter has shown that the EU does have a state-building agenda. While it does not have a strategy explicitly labelled “EU state-building approach”, the elements one

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<sup>268</sup> Krasner, as referenced in Chandler (2008), p. 344

<sup>269</sup> Ibid., p. 341

would expect a state-building strategy to cover - (security, institutions (bureaucracy and governance), civil and political rights and economic and social development)<sup>270</sup> – are addressed (to greater and lesser degrees) in the existing policies.

As was demonstrated, democratisation, human rights and good governance and economic development as well as development aid feature strongly in EU policies, partly also in an attempt to counteract any ambiguity with respect to the sovereignty principle. The timing of the policies shows that the EU accepts the trend that sees state fragility in terms of governance deficits<sup>271</sup>. The shift in emphasis and significance clearly corresponds with the timeline shown in Table 2.3. From emphasis being placed on general development to the increased importance of human rights and democracy (and civil society – at a time Europe was at the forefront of the post-Cold War developments); then the shift towards governance and development and finally the acknowledgement that fragile states require special attention. With the start of the war on terror, security and development are once again strongly linked and failing states are considered one of the biggest challenges to global security<sup>272</sup>. The solution to this is a returning focus on the state and state institutions and hence state-building returned to the agenda –elements of it also entered the EU's CFSP.

## **Conclusion**

The elaboration in this chapter has shown that the EU is indeed engaged in state-building but it seems impartial to using the term. A point of concern with respect to EU state-building is how effective such a state-building strategy is, considering there does not seem to be an all-encompassing umbrella or a coordinated approach to all the different elements – a point also to be addressed in the case study. One would assume that one all-embracing umbrella would not only enhance efficiency but also coordination and therefore exert a not inconsiderable impact within the state itself. The next chapter will prepare the understanding of the state-building elements for establishing the framework for the forthcoming analysis of EU efforts in Afghan state-building and the possible learning incurred therein. It will group the elements into four main state-building pillars which will then be used systematically for the following analysis.

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<sup>270</sup> Justification for choosing these elements as necessary state-building elements (or pillars as they will be termed later) will follow in Chapter III.

<sup>271</sup> Hout (2010a)

<sup>272</sup> Duffield (2001), Fukuyama (2004), Rotberg (2003)

## Chapter III

### State-Building Concept in Post-Conflict/Fragile States

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*“The international community has embraced an unprecedented approach to collapsed states - those that have lost their capacity to perform even the most basic functions. While historically such states simply disappeared, divided up into smaller units or were conquered by a more powerful neighbour, collapsed states are now expected to be rebuilt within the same international borders thanks to the intervention of multilateral organizations and bilateral donors. Furthermore, there is now the expectation that these states will from the very beginning be rebuilt as democracies with strong institutions.”*<sup>273</sup>

#### **A. Aim and Introduction**

The purpose of this chapter is twofold which will be reflected in its structure. While the first part introduces a brief overview of the theoretical concepts associated with state-building and introduces some of the debates associated with it (in an attempt to “set the scene” for forthcoming analysis of the Afghan case study), the latter part lays the foundations for the state-building Framework, which will be introduced in the Research Framework chapter, by acquainting the reader with the elements of state-building. The four elements building up this generic term “state-building” as understood in this thesis are: security, institutions, political and liberal rights, and social and economic rights. So while the previous chapter argued for the existence of a EU state-building agenda, this chapter fills the term “state-building” with content.

State-building is not a new concept. The exact meaning of the term is disputed and it is often used synonymously with nation-building, state formation or peace-building. Less than three decades after financial institutions tried to evade the state in every possible way in their development work, the state (or a liberal, free-market oriented and democratic version of it) is still in fashion as a partner and actor<sup>274</sup>. The reasons to engage in state-building are manifold. Since 9/11, collapsed or fragile states are considered to be a threat to international and regional security as they are seen as havens for terrorism and organised crime and may assist in the proliferation of chemical, biological, radiological, and nuclear

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<sup>273</sup> Ottaway (2002), emphasis added

<sup>274</sup> Cf. on this argument Harvey (2004), Preston (1996), Roberts and Hite (2000), Tilly (1985). The debate in the past few years has shifted to “how” to engage in state-building, what to include and whom to involve. On the contextualisation of international state-building, see Egnell and Haldén (2010).

weapons as well as weapons of mass destruction and cause massive movements of migrants and refugees<sup>275</sup>.

A classic account of early European state-building was given by Charles Tilly who not only compared governments to racketeers but famously proclaimed that wars make states. He based this view on the ‘relative balance’ between war making, protection, extraction and state making which in his view affected the organisation of the emerging state<sup>276</sup>. At first glance one could dismiss this statement as irrelevant for today’s situation and in particular for an analysis of post-conflict states, but this chapter will demonstrate the persistent relevance of such a comparison for an analysis of the depth and scope of state-building as it is understood in this thesis. Self-interest and striving for more power therefore seem to feature prominently in the historical evolution of state-formation. In the context of post-conflict state-building in Afghanistan this consolidation of political settlement by the powerholders might therefore have an effect on the success or failure of international state-building efforts, although the dichotomisation of states into either democratic and egalitarian or undemocratic and elitist is certainly an oversimplification of the problem. This chapter will therefore define the understanding and expectations raised by these key terms for the forthcoming analysis of EU state-building in Afghanistan.

## ***B. Academic debate***

### **i. Definitions**

It is essential to realise that challenges to state-building vary in terms of their starting point and context. It is also necessary to distinguish between dealing with “state-re-building” in a post-conflict situation and the case of “state-strengthening”, such as was performed by the EU in Central Eastern Europe and which was falsely hailed as successful state-building. Addressing the question of what constitutes state-building and what it does not entail, the first conclusion to be drawn from a review of the literature is that the terminology is considerably inflated with many overlaps. Therefore, standardised definitions are essential. The primary consideration is to realise that state-building is not an event, but a process<sup>277</sup>.

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<sup>275</sup> General agreement on these reasons can be found across the literature, from academia to international organisations: cf. Fukuyama (2004), Ghani and Lockhart (2008), Halden (2010), Solana (2003), OECD (2010)

<sup>276</sup> Tilly (1985)

<sup>277</sup> This argument is also advanced by Papagianni (2008), p.68

State-building is frequently used synonymously with nation-building, peace-building or state-formation. The terms are not mutually exclusive but have clear differences and may even be contradictory in their priorities.

Most commonly cited academic definitions:

**State-building:**

Call and Cousens<sup>278</sup> - ‘actions undertaken by international or national actors to establish, reform, or strengthen the institutions of the state and their relation to society (which may or may not contribute to peacebuilding)’

Chesterman<sup>279</sup> - ‘constructing or reconstructing institutions of governance capable of providing citizens with physical and economic security. This includes quasi-governmental activities such as electoral assistance, human rights and rule of law technical assistance, security sector reform, and certain forms of development assistance’

**Peace-building:**

Call and Wyeth<sup>280</sup> - ‘actions undertaken by international or national actors to consolidate or institutionalize peace’.

Paris<sup>281</sup> - ‘action undertaken at the end of a civil conflict to consolidate peace and prevent a recurrence of fighting. A peacebuilding mission involves the deployment of military and civilian personnel from several international agencies, with a mandate to conduct peacebuilding in a country that is just emerging from a civil war’.

**Nation-building:**

Call and Cousens<sup>282</sup> - ‘actions undertaken, usually by national actors, to forge a sense of common nationhood, usually in order to overcome ethnic, sectarian, or communal differences; usually to counter alternate sources of identity and loyalty; and usually to mobilize a population behind a parallel state-building project. May or may not contribute to peacebuilding. Confusingly equated to post-conflict stabilization and peacebuilding in some recent scholarship and popular political discourse’.

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<sup>278</sup> Call and Cousens (2008)

<sup>279</sup> As quoted in Barnett and Zürcher (2009), p.28

<sup>280</sup> Call and Wyeth (2008)

<sup>281</sup> Paris (2009)

<sup>282</sup> Call and Cousens (2008)



State-building definitions by development actors:

**OECD:**

state-building – ‘purposeful action to develop the capacity, institutions and legitimacy of the state in relation to an effective political process for negotiating the mutual demands between state and societal groups’<sup>283</sup>.

For other concepts used, see Call and Cousens definitions.

**DFID:**

state-building – as OECD

Peace-building – ‘a process that facilitates the establishment of positive peace, and tries to prevent violence by addressing the causes of conflict through reconciliation, institution building and political and economic transformation’<sup>284</sup>.

**UNDP and World Bank:**

state-building – ‘refers to the development of state structures, usually with reference to certain expectations of *what* these structures are supposed to do (of which the most important are often called core state functions), and *how* these functions are performed (typically in terms of accountability, transparency or legitimacy)’<sup>285</sup>.

**EU:** no official definition

As was previously remarked, this lack of definition by the EU – particularly as state-building is considered its “strategic identity”<sup>286</sup> – is striking. It should be noted that during the author’s interviews in Brussels this issue was raised but the significance was downplayed by the interviewees<sup>287</sup>. It was later revealed that internally the definition of the OECD is used<sup>288</sup>.

**ii. How do the definitions from academia differ from those of development actors?**

Limiting our analysis to a comparison of the definitions of state-building, the conflation in the terminology becomes obvious. Even between the definitions given by Call and Cousens

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<sup>283</sup> OECD (2008), p. 14

<sup>284</sup> DFID (2009), p. 9 referring to the SAIS Conflict management toolkit

<sup>285</sup> Chr. Michelsen Institute (2007)

<sup>286</sup> Chalmers, von der Schulenburg and Braithwaite (2005)

<sup>287</sup> EU Official (2011d)

<sup>288</sup> EU Official (2011a)

on the one hand and that advanced by Chesterman on the other hand, the differences in detail are striking. Whereas the latter is vague with respect to the development actor, the former is less precise on “content”. Neither definition is really satisfying. By combining the two, however, the concept becomes clearer:

*State-building comprises actions undertaken by international or national actors to establish, reform or strengthen the institutions of the state and the social contract with its citizens by providing them with physical and economic security. These activities may contribute to peace-building and can include such activities as human rights and rule of law assistance, security sector reform (SSR), disarmament, demobilisation and reintegration (DDR), certain forms of development assistance and electoral assistance.*

By contrast, the definition used by the OECD and DFID mirrors the policy language of efficiency and social contract, while referring to vague (and major) concepts without providing further detail. On the whole the definitions given by these two organisations are still preferable to the UNDP/WB definition, as the latter neglects the link to society while echoing the language of good governance. The anticipated outcome of this “kind of” state-building as described above is a liberal democratic state. If the attempts fail, then the states frequently turn into illiberal states as best described by Fakaria<sup>289</sup> or into Rotberg’s quasi-states<sup>290</sup>, which pretend to be a democracy but have none of the characteristics of a liberal democratic state.

The Afghan Research and Evaluation Unit (AREU) which one could consider to be sitting between the chairs of academia and development actors, takes a different approach, one much more focused on governance:

‘State-building refers to efforts to increase the importance of state actors, structures and processes in governance systems: to shift *governance* towards *government*. It is the attempt to reform, build and support government institutions, making them more effective in generating [...] public goods’<sup>291</sup>.

This focus on governance in the context of Afghan state-building is an important hint towards the emphasis considered most pertinent within Afghanistan for this process. This divergence in approach should be thought-provoking for the forthcoming analysis of what academia and Western development actors consider relevant as state-building elements in post-conflict states.

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<sup>289</sup> Cf. Zakaria (1997)

<sup>290</sup> The understanding of quasi-states adheres to Jackson’s (1987), p. 526 definition as cited in Milliken and Krause (2002), p. 763

<sup>291</sup> Nixon (2008), p. 3 (emphasis as in original)

Before the separate elements which make up this generic term are elaborated in detail, the associated concepts of sovereignty and legitimacy, the definition of fragility of a state, the concept of good (enough) governance and the responsibilities of an effective state have to be analysed and applied, as their influence on the definition of state-building in post-conflict states is significant and will therefore have bearing on the forthcoming Afghanistan case study<sup>292</sup>.

### **iii. Concepts relevant to a definition of state-building**

#### **a) State-building and sovereignty and legitimacy**

Why are the concepts of sovereignty and legitimacy included in the debate concerning state-building? During the Cold War the principle of sovereignty was untouchable; no external actor would have dared to intrude on another country's sovereignty directly<sup>293</sup>. Several "proxy"-intrusions in the global South and (of particular relevance to this thesis) Afghanistan revealed themselves in the struggles between the influence and ideologies of the two superpowers. But with the end of the Cold War and the launch of the Responsibility to Protect – instigated after the cases of genocide in the former Yugoslav Republic and Rwanda (despite the fact that the limitations imposed on external actors were still too great to stop such atrocities) – all this changed. The equality of sovereignty was 'hiding the inequality of state capacities'<sup>294</sup> – state capacities understood in the sense of good governance. This gave rise to the creation of "levels" of sovereignty as acceptable measures and paved the way for humanitarian intervention. In this context, intervention could be 'framed as supporting "sovereignty" at the same time as it was undermining the rights of self-government'<sup>295</sup>. This gave sovereignty a functional resonance, and so sovereignty changed from a "right" to a "responsibility" under the good governance agenda. This poses a problem for the citizen of a country being subjected to this form of justified intervention, as 'various centres of power vie for control, multiple decision-making processes confuse priorities, citizens lose trust in the government, institutions lose their legitimacy, and the populace is disenfranchised'<sup>296</sup>, consequently weakening statehood. The severity of the

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<sup>292</sup> While one could write a whole essay on one of these concepts alone, this section aims to simply place the understanding of these terms/concepts in the theoretical setting of the thesis.

<sup>293</sup> Evans and Newnham (1998), p. 504-5 and Krasner (1999)

<sup>294</sup> Chandler (2008), p.345

<sup>295</sup> Ibid., p. 345

<sup>296</sup> Ghani and Lockhart (2008), p. 163

“footprint”, as Edelstein accurately describes the phenomenon of intervention, essentially influences the perceived ability of a government to govern its own state<sup>297</sup>.

A similar dilemma must be faced with respect to legitimacy. If external actors start to provide public goods<sup>298</sup>, the social contract between the state and its citizens becomes distorted. If international intervention takes a coercive form which conflicts with local values or culture, or if the timetable seems rushed, this can hinder state-building. Also if the (mainly military) intervention is not considered legitimate, then the whole state-building process is again hampered and rendered ineffective. Papagianni notes that legitimacy is preserved ‘when rules and the decisions of rule-making and rule-applying institutions are observed’<sup>299</sup>. In a post-war setting, a state tends to be considered legitimate when it a) performs its key functions (particularly the provision of basic public goods) and can maintain public order; b) when space for political debate and dialogue is created; c) when local ownership is permitted in the state-building process<sup>300</sup>. Furthermore, it must be remembered that the local sense of legitimacy can differ from the external sense. One aspect of state legitimacy which is often underrated (and disputed as considered too liberal an approach) in post-conflict states is the necessity for states to collect taxes<sup>301</sup>. This serves two purposes: it demonstrates to the populace that the state is accountable and has a working administration, but it is also a source of revenue required for the state to provide public goods.<sup>302</sup> It is an important feature preventing states from becoming rentier states like Afghanistan, completely dependent on external financing.

#### **b) Fragile states/failed states/collapsed states**

Fragile statehood is central to the debate of post-conflict state-building and the country study of Afghanistan. Most post-conflict states are fragile and therefore the characteristics of such a state have great bearing on its reconstruction or the effectiveness of pre-emptive intervention. According to Ghani and Lockhart there are presently 40-60 fragile states in

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<sup>297</sup> The footprint dilemma is outlined to a greater extent in Edelstein (2009). For the footprint dilemma with respect to international administrations, see Chandler (2006) or Caplan (2005b)

<sup>298</sup> The World Bank defines “public goods” as ‘goods that are non-rival (consumption by one user does not reduce the supply available for others) and non-excludable (users cannot be prevented from consuming the good). These characteristics make it infeasible to charge for the consumption of public goods, and therefore private suppliers will lack the incentive to supply them.’ (World Bank (1997), p. 26). Public goods are, for example: national defence, infrastructure, water, basic health care and even such elements as property rights.

<sup>299</sup> Papagianni (2008), p. 50

<sup>300</sup> Cf. Ibid., p. 50

<sup>301</sup> Pritchard (2010)

<sup>302</sup> This argument is also found in Carnahan and Lockhart (2008)

the world<sup>303</sup>. Having analysed a broad spectrum of literature on this issue, one is overwhelmed by the range of different terminology in use: “failed state”, “collapsed state”, “fragile state”, “weak state”, “crisis-states”, “poorly performing states”, “countries at risk of instability” or “countries under stress”. One characteristic all of the above have in common is the important proviso that in order to refer to state failure of any degree or name one needs to presuppose the existence of a state in the first place<sup>304</sup>. But the problem one encounters with all these terms is that there is no list of characteristics (in the sense of a checklist) which a state “has to” fulfil in order to be designated one or the other label. They also all carry the negative connotation that the states are dysfunctional and their governments fail. Even though these concepts have been in circulation for several years, there is still no agreed definition of such terms by any institution or body, nor is there any clear relationship discernible between them<sup>305</sup>. Are they just synonyms describing the same phenomenon, or is there some form of grading in the degree of “failure” they express? One aspect all the terms have in common is the underlying assumption surrounding this debate that statehood is preferential to statelessness. While Rotberg maintains that ‘a collapsed state is an extreme version of a failed state’ and characterises it as having a ‘total vacuum of authority’<sup>306</sup>, Torres and Andersen group “weak”, “fragile” and “poorly performing” states on one level, and consider “failed” and “collapsed” states to be ‘more extreme cases’<sup>307</sup>. This in turn is in contrast to the USAID’s Fragile States Strategy, which combines “fragile”, “failed”, and “crisis states” to describe the same phenomenon. One should credit the organisation however for at least differentiating between states in crisis/conflict and vulnerable states<sup>308</sup> - adding the element of “conflict”. In general these states are prone to weak institutions and governance systems, and lack the capacity and/or will to fulfil essential state functions; therefore, despite the confusion in definition, it seems that all these different labels are used to explain one central phenomenon: an ineffective state. There is general consensus that there would appear to be different degrees of fragility, and

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<sup>303</sup> Ghani and Lockhart (2008), p. 1

<sup>304</sup> Sørensen (2000), p. 1. He further concludes that sovereignty is thus a basic and necessary condition for state failure.

<sup>305</sup> Brinkerhoff faces similar questions in his edited volume dedicated to the rebuilding of fragile states: Brinkerhoff (2007). He agrees with the author that the terms reflect different degrees of failure and attempts to differentiate between them (p.2).

<sup>306</sup> Cf. on both Rotberg (2002), p. 90

<sup>307</sup> Torres and Anderson (2004), p. 5

<sup>308</sup> UNAIDS (2006), p. 6. Not that a clear definition is given either of a “vulnerable” state or of a state in conflict, but if one considers the strategic foci proposed, it is possible to detect a difference between them. For vulnerable states, the focus is on ‘prevent[ing] crisis and advanc[ing] recovery to a stage where transformational development is possible’. (ibid. p. 6) For a state in crisis, the focus is on ‘stabilizing the situation, mitigating the impact of conflict where it exists, and targeting key local actors to support reforms oriented to what is driving the crisis’. (ibid, p. 6)

states can be at different stages of “failure”<sup>309</sup>. Taking this into account, it may be assumed that fragility is a deeply political phenomenon. Roche Menocal summarises this conclusion accurately: ‘in a fragile setting, the quality of the political settlement establishing the rules of the game is deeply flawed (especially in terms of its exclusionary nature), is not resilient, and/or has become significantly undermined or contested. A “social contract” binding state and society together in mutually reinforcing ways is largely missing.’<sup>310</sup> The ability to exercise power depends mainly on the national government’s aptitude to exert authority over all its territory and to demonstrate that it is in possession of what is often entitled ‘empirical statehood’, as denoted by Weber<sup>311</sup>. This is in contrast to juridical statehood<sup>312</sup>, which recognises the state under international law, thus granting it legitimacy in the international arena. Some states are able to carry out their core functions despite a diminished empirical statehood, whereas fragile states in particular are often in possession of juridical statehood but are unable or unwilling to deliver public goods.

State institutions seem to lack the willingness or capacity to perform core state functions in the fields of security, representation and welfare<sup>313</sup>. Not least for this reason, it is essential to specify what constitutes the core functions of a state in order to define the inefficient nature of fragile states and hence point out elements essential for re-building such a state. Assuming that the state taken for comparison purposes is a sovereign state, this thesis agrees with the general assumption that ‘sovereign states are expected to perform certain minimal functions for the security and well-being of their citizens, as well as the smooth working of the international system’<sup>314</sup>. In contrast to the World Bank’s initiative on fragile states – the Low-Income-Countries-Under-Stress Initiative - this thesis acknowledges the fact that fragility is not simply a matter of income, as some fragile states nevertheless have great wealth in natural resources<sup>315</sup>. In order to understand the nature of fragile states beyond their implicit labels, some defining characteristics will allow a more representative

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<sup>309</sup> For a comprehensive compilation of indices measuring state weakness and their corresponding indicators, see Tschirgi (2010). On the concept of fragile states see also Duffield (2007), Chapter 7

<sup>310</sup> Rocha Menocal (2010), p. 1

<sup>311</sup> Weber’s exact definition of empirical statehood requires the national government to have compulsory jurisdiction, to exercise continuous organisation and to claim a monopoly of force over the territory and its population. (Cf. Jackson and Rosberg (1982), p. 2)

<sup>312</sup> This is in accordance with the Montevideo Convention on the Rights and Duties of States. (Cf. International Conference of American States (1933)(Art. 1))

<sup>313</sup> Boege, Brown, Clements and Nolan (2008), p. 3

<sup>314</sup> Torres and Anderson (2004), p. 5

<sup>315</sup> Substantial evidence in support of this conclusion is to be found in the unpublished MSc dissertation of the author. Careless (2006)

picture to emerge.<sup>316</sup> Rotberg outlines a comparatively extensive<sup>317</sup> list of characteristics defining fragile states: loss of territorial control, severe elitism, noticeably absent democratic debate, judiciary as a derivate of the executive instead of as an independent function, highly politicised military, deteriorating or destroyed infrastructure, low administrative capacity, education and health system privatised, unparallel economic opportunities, high level of corruption and inflation, food scarcity and general insecurity<sup>318</sup>. This list clearly reveals that the question of fragility is essentially a question of a state's effectiveness. Consequently, it is adequate to assume that 'effective states should be able to exercise power to achieve public goods'<sup>319</sup> - a capability apparently absent in fragile states. The above characteristics are in line with those included by the EU General Affairs and External Relations Council in November 2007 in its approach to fragile states: 'State fragility implies a breakdown of the social contract as a result of a state's failure to perform its major functions, including the provision of the rule of law, security, poverty reduction, service delivery and resource management'<sup>320</sup>.

One additional aspect which has been neglected in the analysis presented in the majority of the literature, as well as in the understanding of the EU, is the element of conflict. In many fragile states civil war is either a cause or a consequence<sup>321</sup>. Most post-conflict states are fragile, but a fragile state does not necessarily need to be post-conflict. In the context of state-building it must therefore be taken into consideration that 'post-conflict statebuilding is distinguished from "normal" statebuilding by the existence of a dual crisis of security and legitimacy'<sup>322</sup>. Additionally, the literature reveals another very pronounced policy bias in this context, as it is biased towards the endogenous nature of this process: as Halden emphasises, state failure is perceived in an inside-out fashion – in the sense that a failed state threatens the region; he thus advances the notion of failed regions<sup>323</sup> – which in the case of Afghanistan might well be applicable. This revelation could offer a competitive advantage for EU state-building strategy, as the EU frequently uses regional approaches.

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<sup>316</sup> Although this list is by no means intended as a checklist, because - as indicated earlier - no such checklist exists; the characteristics listed here are intended merely to fill the term with some "content"; they are characteristics which occur frequently – albeit in different combinations – when evaluating fragile states.

<sup>317</sup> Although - of course - not complete.

<sup>318</sup> Cf. Rotberg (2002), pp. 85-89.

<sup>319</sup> Torres and Anderson (2004), p. 7

<sup>320</sup> Hout (2010a), p. 164

<sup>321</sup> Ottaway (2002)

<sup>322</sup> Barnett and Zürcher (2009), p. 28

<sup>323</sup> Halden (2010)

This thesis will therefore distinguish between effective states (having empirical and judicial statehood) and ineffective states. Fragile states will be treated as states having only limited empirical statehood but being internationally recognised - even though some territorial disputes may prevail (e.g. Afghanistan). States which are further along the severity scale of fragility are considered “collapsed states”. Collapsed states are states such as Haiti or Somalia, where empirical statehood has literally collapsed and all that is left of the state is the empty shell of judicial statehood<sup>324</sup>; however, these states are not of concern here. This decision is based on the belief that a normative judgement of failure is inappropriate in this context, as it is irreversible; any attempt at state-building in such a case would achieve nothing. The nature of a “failed state” is further discernible in the perception and policy approach of the United States to “fragile states”. This is in line with the view expressed by the European Policy Centre which also prefers the term “fragile state”, as the Centre sees “failure” as a rare and irreversible occurrence, while “fragility” is more widespread and permits (indeed, may even require) timely and proactive “preventative engagement”, as advocated in the ESS<sup>325</sup>. The above definitions are still broad ones, but they will suffice for this debate. Due to the lack of clear definitions and benchmarks and the resulting variety of rankings and indices, there is no clear overview of how many states are really subsumed under these categories. In general, it would seem that the number of fragile states is increasing. This is mirrored in the vast range of publications on fragile states by institutions such as the OECD, EU, ODI, DFID and others. Whichever definition one accepts, it is important to bear in mind the uniqueness of each individual country being considered, as the nature and duration of failure, the degree of damage (physical and institutional), the extent of ethnic division and the level of displacement (internally and externally) as well as the existence of resources differ in each case. The link between these considerations and the remainder of the chapter lies in the fact that the “recommended solution” for these states is state-building.

### **c) Good (enough) governance**

Many recent policy papers<sup>326</sup> have drawn a link between governance and effective assistance in poverty reduction. The framing of reconstruction efforts and development assistance in terms of governance improvement is therefore essential, especially if one recalls the

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<sup>324</sup> In the debate on illiberalism, the argument of collapsed states still possessing judicial statehood will nevertheless be called into question.

<sup>325</sup> Missiroli (2008)

<sup>326</sup> Cf. DFID (2001), DFID (2005); OECD (2008)



emphasis AREU placed on governance in the context of Afghanistan in their definition of state-building. The link to state-building lies in the fact that elements of state-building include the reformation and support of government institutions and are therefore embedded in the governance institutional framework. The English word “governance” generally refers to the exercise of authority within a given sphere. In the political process, it mostly involves ‘building consensus, or obtaining the consent or acquiescence necessary to carry out a programme, in an arena where many different interests are in play’<sup>327</sup>. Santiso explains this versatile concept as the ‘manner in which power is exercised in the management of a country’s economic and social resources for development’<sup>328</sup>. But governance extends beyond the role and actions of public sector institutions, structures, and processes as it entails broad conceptions of how societies are organised to pursue collective goals and interests<sup>329</sup>.

“Good governance” has become a key word in the modern development agenda, and is equally known as the ‘imperative for poverty reduction’<sup>330</sup>. But, as with most catchwords, there is no consensus concerning the core meaning behind the concept. What is the political content of good governance? How does it differ from good enough governance? The relation between governance and good governance (GG) is a normative shift addressing the quality of governance. ‘A good governance system puts further requirements on the process of decision-making and public policy formulation.’<sup>331</sup> As has been shown above, it is a generally accepted fact in the international political debate that the quality of governance plays a profound role in halting violent conflicts<sup>332</sup> as well as in national government’s ability to pursue sustainable development as well as social development. The development argument has nevertheless declined in significance after the disappointing results following the introduction of SAPs during the Washington Consensus. The debates about governance, GG and good enough governance (GEG) are greatly influenced by ideological evolutions which are most strongly held by the drivers of economic development – mainly the international financial institutions (World Bank, IMF, OECD, EU, UN).

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<sup>327</sup> de Alcántara (1998), p. 105

<sup>328</sup> Santiso (2001), p. 2

<sup>329</sup> Brinkerhoff (2007), p. 3

<sup>330</sup> Grindle (2004), p. 525

<sup>331</sup> Santiso (2001), p. 5

<sup>332</sup> UNDP (2012)

Arguing from a development standpoint, Santiso maintains that the governance agenda ‘compels development institutions [...] to link economic assistance and political aid’, since the two agendas have so far ‘evolved independent[ly] of each other, leading to fragmented aid policies’<sup>333</sup>. This statement is contradictory to the claim made by Nanda that the IFIs place their emphasis on the economic dimensions of the state to use development assistance effectively and do not question the legitimacy of the government<sup>334</sup>. This shows how ‘fluid and nebulous’<sup>335</sup> the understanding of GG is, because if one considers the IMF publication entitled “Good Governance”, the Managing Director states that its ‘approach is to concentrate on those aspects of good governance that are most closely related to our surveillance over macroeconomic policies’<sup>336</sup>. Santiso and many other authors nevertheless agree that GG is also concerned with promoting accountability, transparency, rule of law and participation<sup>337</sup>. This shift away from the economic focus of governance towards democratic governance went hand-in-hand with the shift from Washington to Post-Washington Consensus thinking.

Given this “elasticity in meaning”, this thesis agrees strongly with Doornbos who postulates that GG does not constitute a ‘concept in its own right’ but is ‘more like a flexible carrier which can be used to convey varying combinations of messages or consignments, though largely remaining within the same general trade specialisation’<sup>338</sup>. Another reason for the good governance agenda being strongly linked to the state-building agenda, is that in practice – as the OECD admits – the ‘governance programming deployed under the rubric of “state-building” has focused on building institutions of the state’<sup>339</sup>. This view is shared by the EU. In its communication on Governance in the European Consensus on Development it states that ‘good governance, though a complementary objective, is basically a means towards the ends represented by these priority objectives’<sup>340</sup>. However,

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<sup>333</sup> Santiso (2001), p. 18

<sup>334</sup> Nanda (2006), p. 274

<sup>335</sup> Akokpari, J.K. (2004), p. 243. Aubut argues that the ‘vagueness of the meaning is one reason why this term has increasingly been utilized, as it can convey a slightly different meaning depending on who uses it’. (Aubut, J. (2004), p. 8)

<sup>336</sup> IMF (1997), p. iii

<sup>337</sup> Cf. Harrison (2005), p. 240 and Santiso (2001), p. 16; The World Bank governance indicators compile data on the dimension of governance in the following areas: Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law and Control of Corruption, which as indicated by Santiago are all aspects of GG. (Cf. World Bank (2010)). It should further be noted that EuropeAid uses these World Bank generated governance indicators in its evaluations. (Cf. EuropeAid (2011))

<sup>338</sup> Doornbos (2001), p. 95

<sup>339</sup> OECD (2008), p. 26

<sup>340</sup> COM(2006)421, European Commission (2006b), p. 20

critics see that the Commission's good governance programmes – which intended to combine the strengthening of state institutions and to enhance accountability - were too focused on institution building (as previously recognised by the OECD), since the indicators to measure achievements were linked to procedural efficiency and not to openness or accountability<sup>341</sup>.

The GEG debate has evolved out of the understanding and acceptance of the existence of fragile states and the recognition of the inability of external development actors to replicate Western states as intended.<sup>342</sup> Since most fragile states have either emerged from conflict or are still in conflict or suffer from ineffective governments, it would be unrealistic to expect established good governance. However, GEG should not be confused with “bad governance” which is mostly described as ‘personalisation of power, lack of human rights, endemic corruption and un-elected and unaccountable governments’<sup>343</sup>. GEG suggests ‘that not all governance deficits need to (or can) be tackled at once, and that institution and capacity-building are products of time; governance achievements can also be reversed’<sup>344</sup>. In fragile states, many of which have just evolved from non-democratic regimes or conflicts or have just gained independence, the political institutions cannot yet meet the challenges of nation-building (and vice versa); the successive government might even be lacking in legitimacy. The engineering of fragile states is frequently burdened by the simultaneous demand for democratisation and by the pressures of globalisation. The GEG agenda is therefore – as understood in this thesis – geared to an improvement of governance policies and institutions and to the promotion of greater freedom, sustainable human development and genuine participation. This means that through state-building the state is rendered able – possibly through the support of international donors – to ensure the provision of basic public goods and services to its people. This does not include immediate liberalisation of the market. Grindle cautiously tries to develop a definition of GEG which she sees as ‘a condition of minimally acceptable government performance and civil society engagement that does not significantly hinder economic and political development and that permits poverty reduction initiatives to go forward’<sup>345</sup>. She further acknowledges the necessity for GEG to ‘ensure the regular provision of basic public goods, such as order, security, and

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<sup>341</sup> Cf. Youngs (2010)

<sup>342</sup> It also profits from the fact that the good governance agenda does not distinguish between an ideal state of good governance and one that is “good enough”. (Cf. Grindle (2004), p. 530)

<sup>343</sup> Bøås (1998) as quoted in Weiss (2000), p. 801

<sup>344</sup> Grindle (2007), p. 554

<sup>345</sup> Grindle (2004), p. 526

legitimate authority’ as well as having to develop a ‘public health infrastructure’ and the need to ‘protect the basic rights’<sup>346</sup> of the population. This thesis emphasises that GEG is to be considered a goal in the promotion of better governance (leading one day to GG). This assumption is closely related to state-building, in the sense that in the ‘attempts to pin down the essential nature of the state (the ideal criteria and functions assigned to it) end up reifying or idealizing it, stripping what is after all a human (social and political) construct of its historicity’<sup>347</sup>. Just as state-building, GEG needs to be applied on a country-by-country basis. Additionally, it must be acknowledged that GEG involves ‘trade-offs and priorities for poverty reduction’<sup>348</sup>. The dilemma associated with GG as well as with GEG is that the success of governance reforms depends on their intrinsic merit; furthermore their success will be judged on how they cope with contest and how they adapt in difficult environments.<sup>349</sup> Attention should therefore be drawn to the fact that governance interventions are not introduced into a vacuum and have to build on pre-existing conditions/institutions<sup>350</sup>.

The two concepts of governance and state-building are in fact closely related. They both deal with similar issues and are directly concerned with how to improve the functioning of institutions. While state-building is a more comprehensive concept and also deals with the fundamental construction of a government/state, governance operates within this constructed sphere. Governance, as will become particularly evident in the later example of Afghanistan, is therefore most important for the quality and integrity of a government.

#### **iv. Responsibilities of effective states – prelude to state-building**

The examination of the concept of state-building requires a definition of the nature of the state intended to be rebuilt. A constructive analysis of the changes faced by state-builders in fragile states will place the contemporary understanding of statehood in a broader perspective. As is the case with most approaches to statehood, this thesis also takes the Weberian approach to statehood as its guideline. Weber’s main characteristic or in this instance – responsibility – a state has to display in order to be able to be considered an effective state is: legitimate security.

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<sup>346</sup> Ibid., p. 545

<sup>347</sup> Milliken and Krause (2002), p. 762

<sup>348</sup> Grindle (2004), p. 526

<sup>349</sup> Cf. Harrison (2005), p. 256 For a definition of “difficult environments”, see Torres and Anderson (2004)

<sup>350</sup> This point is also made by Grindle (2007)

The Montevideo Convention on Rights and Duties of States expands this definition and lists the characteristics of a state as 1) a defined territory, 2) a permanent population, 3) an effective government and 4) the capacity to enter into formal relations with other states<sup>351</sup>. The Western European process of state formation is well described in (J. Milliken and K. Krause, 2002), but on the bottom line there are three key functions: security, welfare and wealth, the provision of which has emerged as a social contract between the state and its citizens. In a development context, the Overseas Development Institute's paper lists the ten functions of the state it considers to be the most important:

- Legitimate monopoly on the means of violence,
- Administrative control,
- Management of public finances,
- Investment in human capital,
- Delineation of citizenship rights and duties,
- Provision of infrastructure services,
- Formation of the market,
- Management of the state's assets (including the environment, natural resources, and cultural assets),
- International relations (including entering into international contracts and public borrowing),
- Rule of law.<sup>352</sup>

It sees the one-dimensional role of the state as a provider of security to have evolved into a multidimensional role. One can only hope that this listing is not prioritised, because it leans heavily towards a market-based role of the state. The ODI admits that its characterisation of these functions is debatable. Despite the fact that it maintains that a state should perform these functions in an integrated fashion, this thesis would oppose the linearity of their listing as such an approach would be infeasible in a state-building setting. Equally, the allocation of functions along an x-axis whilst grouped in priority groups by Fukuyama, as shown in Figure 3.1, would seem too static and - particularly with a state-building agenda in mind - infeasible. The idea of dividing these functions into subcategories of importance may be found repeatedly in the literature. There is of course ample discussion concerning which function to prioritise depending on which faction conducts the analysis.

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<sup>351</sup> Montevideo Convention on Rights and Duties of States (1933)

<sup>352</sup> ODI (2005), p. 6

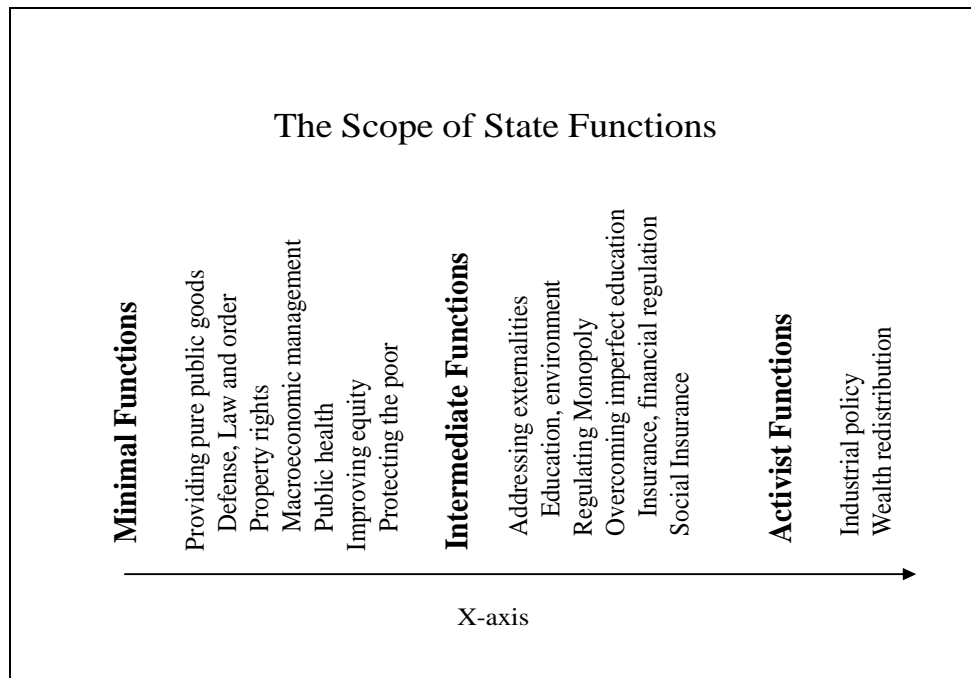


Figure 3.01 Scope of State Functions<sup>353</sup>

The purpose of the state is *sui generis* important in the framing of state-building. The state as such is not a material object but a conceptual abstraction and its presence cannot be taken for granted<sup>354</sup>. The main purpose of the state (particularly in a post-conflict situation) is to provide legitimate security<sup>355</sup> to its people and therefore relies substantially on the ability to generate finances. This claim is based on the fact that in order to sustain any form of security apparatus, financial means – preferably generated through taxes paid by its populace – are needed. While the debate about core functions of the state is necessary for state-building, Paris’s argument “institutions before liberalisation” is very valid at this point. He argues that in order to achieve the rebuilding of all of these functions (from promoting democratisation to marketisation) the common denominator of all these core state functions is their dependence on (and presupposition of) public institutions<sup>356</sup>. In most fragile states, the state is not always the solution as it can also be part of the problem, but especially after 9/11 it is considered a security risk for the international community if statehood is fragile or lacking completely. Recent thinking has led the international community to believe that the institutionalisation of a functioning state could alleviate problems in this domain. As post-conflict states are mostly unable to conduct internally led state-building, external actors (such as the EU, UN, World Bank or the US) step in to

<sup>353</sup> Fukuyama (2004), p. 11

<sup>354</sup> Cf. Hay and Lister (2006), Defining the State p. 4ff

<sup>355</sup> Cf. On this claim see e.g. Call and Cousens (2008), Paris and Sisk (2009), but most post-conflict literature will argue this.

<sup>356</sup> Cf. on this argument Paris (2009), Chapter 10

provide externally led state-building<sup>357</sup>. Hence the state, and therefore state-building, lies at the heart of all reconstruction efforts in post-conflict states and in the attempt to enhance the development of said countries.

The complexity as well as the fluid nature of this state-building process is depicted well in Figure 3.2.<sup>358</sup> In contrast to the previous figure, the building blocks are not self-contained and it is not a matter of “finishing one and moving on to the next”. Some elements are dependent on each other and this dependence can be mutual and reciprocal.

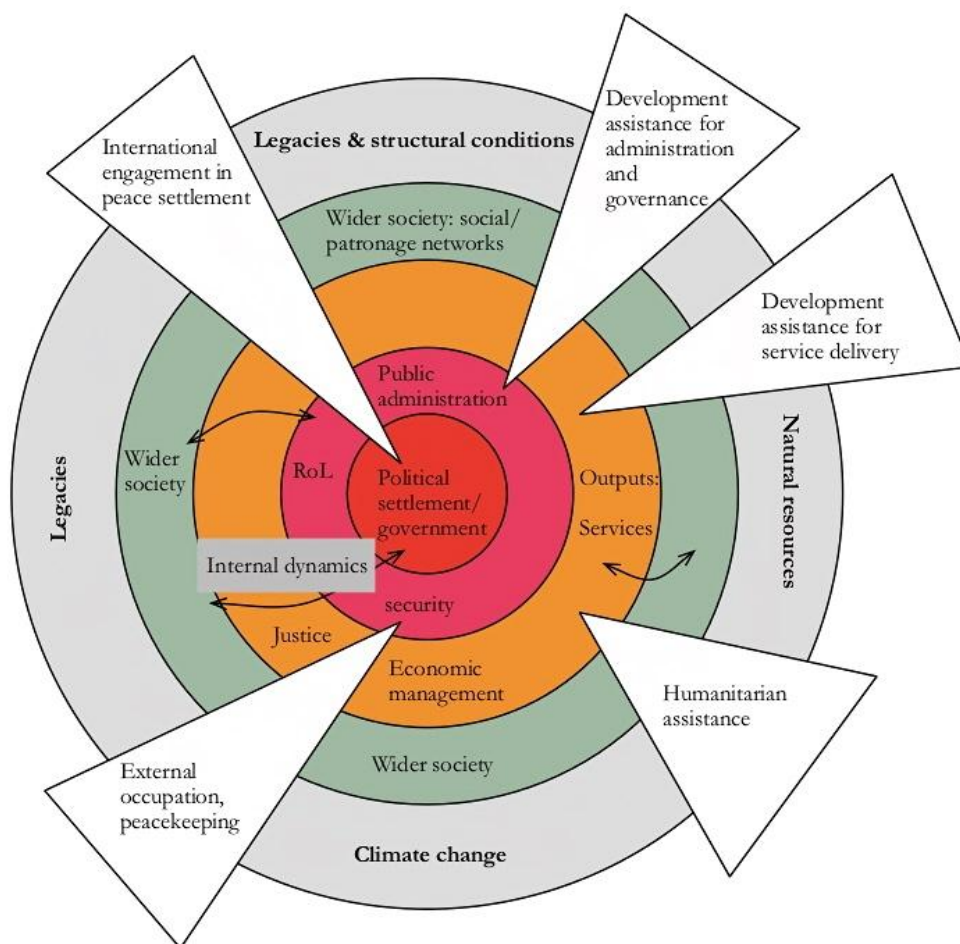


Figure 3.02 Domains and actors in the state-building process

The figure also gives an idea of how many different actors are directly involved in state-building. These range from security advisors/trainers to administrative assistance officers, from stabilisation officers and governance programmers to contracted NGO partners.

<sup>357</sup> Critical perspectives of state-building question the role and motives of external state-builders to engage in such efforts and frequently point out that while these institutions become involved in some fragile states, they choose to ignore others. This is a valid point. However, this thesis chooses not to elaborate on this debate as it would lead the analysis astray; it is also not directly related to the research question. On the motives of external state-builders, see e.g. Egnell (2010), Jabri (2010).

<sup>358</sup> ODI (2007)

From the above deliberations on the functions a state should perform, one can synthesise four main areas of state-building in post conflict settings. These four elements of state-building as understood by this thesis are hence: security, institutions, political and liberal rights as well as economic and social rights. However the emphasis in all four elements of state-building lies on the “re-building” of the existing structures, though possibly with other governance structures. None of the elements of state-building are built into a vacuum, but existing structures need to be considered. In hindsight, as these elements will form part of the state-building Framework and will be used in the analysis of the EU state-building efforts in Afghanistan, what do these elements actually contain and what are some of the debates associated with them?

#### **a) State-building element: Security**

In a post-conflict setting, state-building is not only faced by challenges to the legitimacy of the state but also by a security crisis. But what constitutes security and whose security does this refer to? The security component in state-building displays several aspects: enforcing peace, maintaining public order, protecting human rights and building confidence in the state. The OECD’s Development Advisory Committee tried to conceptualise the understanding of security as a development objective, which is pertinent for the context of state-building:

‘Security is increasingly viewed as an all-encompassing condition in which people and communities live in freedom, peace and safety, participate fully in the governance of their countries, enjoy the protection of fundamental rights, have access to resources and the basic necessities of life, and inhabit an environment which is not detrimental to their health and well-being. The security of people and the security of states are mutually ensuring some aspects of security’<sup>359</sup>.

This understanding of security can be broken down in further detail as portrayed in Figure 3.3. The tools employed to achieve these goals range from Security Sector Reform (SSR) and Disarmament, Demobilisation, and Reintegration (DDR) to the imposition of transitional authorities and foreign intervention. Disarmament generally has two designated roles: ‘to remove the means by which civil wars have been prosecuted and thus prevent reignition of conflict [and] to provide an environment in which a degree of stability has been achieved and through this to add to the process of confidence and security building’<sup>360</sup>. The point which was highlighted in all the literature referring to the relationship between

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<sup>359</sup> OECD (2005b), pp. 20-21

<sup>360</sup> Spears (1999), p. 2



security and state-building was that the cessation of large-scale violence was considered a prerequisite for state-building. But rarely does violence “just cease”; therefore a peace agreement between the warring factions is mostly achieved through international negotiations. The case of Afghanistan is exceptional in this context as there has been no peace agreement. And while the war has ended, the fighting is still on-going.



Figure 3.03 Safe and Secure Environments<sup>361</sup>

Sequencing of state-building and security is therefore very important if state-building is to be successful. In a post-conflict situation, state-building often has to be performed simultaneously with security provisions (not including large-scale violence) to prevent a political or a security vacuum, either of which could reignite conflict. Rubin summarises this dilemma of what is to come first accurately:

‘If building security institutions, separating military from civilian roles, and strengthening civilian institutions and the rule of law are necessary conditions for electoral politics to meaningfully arbitrate among contenders for power, does statebuilding, or building basic local capacities for security or economic development, have to take primacy over holding elections or building other democratic institutions?’<sup>362</sup>

The dilemma seems to resemble the chicken and egg question: which came first - the egg or the chicken? Or in this case: state-building or security?<sup>363</sup> This dilemma is also found in policy analyses. A Bertelsmann Stiftung paper on fragile states, for example, argues for

<sup>361</sup> United States Institute of Peace (2009), p.37

<sup>362</sup> Rubin (2008), p. 41

<sup>363</sup> This conundrum has been extensively debated in the literature. See e.g. Paris (2009), Wimmer and Schetter (2003) or

“security first”<sup>364</sup>, while an OECD paper<sup>365</sup> objects to security being the top priority even in post-war states. The OECD sees three dimensions of policy that should form the focus of post-conflict state-building: ‘political processes that legitimate the state; development of the framework of the rule of law, including for [sic] economic governance; and the re-establishment of a framework of security, *including but not limited to reconstitution of the state security apparatus*’<sup>366</sup>. For this reason, the dilemma lies in the fact that security itself is distributed by an institution, and for security institutions to contribute to state-building, such institutions have to be effective and legitimate (abide by political control) and must operate according to acceptable behaviour. If these tasks have to be assumed by international forces, because the existing security forces have been misusing their power or national security forces are non-existent, then the reception given to these foreign forces depends on the perception of the threat environment to post-conflict society<sup>367</sup>. Hence the return to sovereignty and the creation of state legitimacy together with the extent and timeframe of the intervention determine the success or failure of the state-building effort. Edelstein refers to these two as the “timeframe dilemma” and the “duration dilemma”; as demonstrated in the table below (Table 3.1):

		Intrusiveness of Intervention Forces	
		Low	High
Size of Intervention Forces	Small	<u>Benefit</u> : Low resentment; May be able to intervene to resolve acute cases <u>Risk</u> : Difficult to accomplish ambitious goals <u>Duration</u> : Sustainable at low costs but with limited results	<u>Benefit</u> : Potentially effective counterinsurgency force <u>Risk</u> : Smaller force may lack capability to control large country <u>Duration</u> : Prone to duration dilemma as intrusive forces generate resentment among population
	Large	<u>Benefit</u> : Well-suited to training indigenous security forces <u>Risk</u> : Lacks capability to defeat any emerging insurgency <u>Duration</u> : Large force generates impatience in intervening country	<u>Benefit</u> : May allow fuller control over target country <u>Risk</u> : High costs and high probability of resentment against perceived occupation <u>Duration</u> : Most prone to duration dilemmas as both population and intervening power grow tired of perceived occupation

Table 3.1 Dilemmas of state-building intervention<sup>368</sup>

If one were to place Afghanistan within this table then it would be somewhere in the upper right hand corner. ISAF forces are still struggling to provide security in regions not imminently bordering Kabul, and government authority is equally limited – or the influence

<sup>364</sup> Klotzle (2006), pp. 14-15

<sup>365</sup> OECD (2008), p. 23

<sup>366</sup> Ibid., p. 29 (emphasis added)

<sup>367</sup> Cf. Edelstein (2009), p. 100

<sup>368</sup> Ibid., p. 91 (Figure 4.1)

fades with the distance from the capital. It becomes obvious, therefore, that even the provision of security is dependent on the success of the other elements.

In the assessment, analysis of this element will therefore focus on policies and developments which contribute to security as described in this section. This includes SSR and DDR as well as provisions for human security.

## **b) State-building element: Institutions**

Conflict does not only destroy infrastructures and lives, it can also ‘fatally weaken central government institutions through insecurity’<sup>369</sup>. Due to the particulars of a post-conflict situation, the ‘creating, transforming, or rebuilding [of] state institutions in the immediate aftermath of violent conflict is a unique undertaking that has little resemblance to standard institution-building efforts or development work’<sup>370</sup>. In an ideal case ‘lasting and legitimate institutions result from political processes that create forums for negotiation and compromise, and allow for the participation of the public and civil society, in order to create common understandings of what the rules regulating political life should be’<sup>371</sup>. But in the immediate aftermath of conflict there will be an emergency phase which is mainly concerned with providing humanitarian aid and ensuring a minimally secure environment<sup>372</sup>, placing less importance on institution-building but simply interested in the provision of basic public goods. For the most part, after civil conflicts there is a call for the restructuring of state institutions and constitutional reform. Following on from the good governance/good (enough) governance debate, the institution-building element in the post-conflict state-building approach is not so much concerned with the increase in ‘bureaucratic and administrative efficiency and effectiveness and economic rationality’<sup>373</sup>, but with the establishment and legitimisation of such institutions. Chandler sees the situation similarly: he conceives state-building as ‘overcoming institutional blockages, or changing the “rules of the game”, through turning bad governance into good governance’<sup>374</sup>.

The drafting of reformed constitutions and the setting up of new institutions should not be used as an excuse for an early exit by international actors, often intensified by national and

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<sup>369</sup> Cliffe and Manning (2008), p. 163

<sup>370</sup> Herrero (2005), p. 43

<sup>371</sup> Papagianni (2008), p. 59

<sup>372</sup> Cf. Herrero (2005), p. 45ff

<sup>373</sup> Ibid., p. 43

<sup>374</sup> Chandler (2010), p. 6

international calls for elections<sup>375</sup>. In fact the development of technical proposals for institutional reform is simple; it is the managing of the political process of reform which is the difficult aspect. Institution-building (like its big brother state-building) is a long process, especially as ‘initiating changes in political and institutional culture, and building and rebuilding institutions, are some of the most difficult aspects of any societal transformation – requiring changes in behaviour, expectations and norms’<sup>376</sup>. Moreover, as Ottaway rightly points out: ‘states do not collapse because institutions are weak, but because the mechanisms for generating the power and authority necessary for any regime to govern cease to function’<sup>377</sup>. Ad hoc transitional institutions and their individual capacities can prove difficult to translate into national institution-building, and if these quasi-formal institutions are left outside the formal institution-building process for too long this can lead to an undermining of the already fragile post-conflict state from the people’s viewpoint as public goods are not being provided through the state.

The aim of liberal state-building programmes is to create a sustainable state that can function without international authority in the form of a multiparty democracy. As this thesis cannot pay tribute to the extensive debate about the timing of elections in post-conflict states, it is summarised in a nutshell here: There are elements which speak in favour of a rapid transition and elections, but there are also arguments for a more moderate approach, even with temporary international authority. While a quick transition reduces uncertainty, the local situation might simply not lend itself to hasty changes. After years of political disenfranchisement, the demand for political participation and representation is generally strong, but the timing of these first (free) elections is crucial for their subsequent success.<sup>378</sup> On the other hand, a delay of elections may also be used to discredit and damage the legitimacy of an interim administration. Whatever the timing of the elections, international actors have to communicate to the people and the government what elections can and cannot achieve in terms of legitimising the political process.

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<sup>375</sup> Cf. Papagianni (2008)

<sup>376</sup> Samuels (2009), p. 173

<sup>377</sup> Ottaway (2002), p. 1016

<sup>378</sup> Caplan argues against the slow transfer of political power, as he fears that international authorities who are slow to transfer or yield responsibility for governance may leave the people ‘insufficiently prepared for the challenges of self-rule when an administration folds’; while at the same time he warns that a rapid transfer could ‘overwhelm a people emerging from the trauma of violent conflict as well as reinforce divisions that lie at the heart of the conflict as former warring parties compete for political power’. (Caplan (2005b), pp. 109-110)

The first post-conflict elections are very significant and in fact have multiple objectives. First of all, they are of course designed to elect a new government, but they are also expected to prevent the re-ignition of conflict, to promote reconciliation and to initiate a process of democratising the polity<sup>379</sup>. Therefore, electoral processes ‘are essential to statebuilding because they give a modicum of legitimacy and credibility to postwar regimes’<sup>380</sup>. The problem is that all these objectives are not always mutually reinforcing and elections are not a sign for the international community to disengage. The formal institutions will have a strong impact on the political system, so when faced with divided societies (whether ethnic, religious, regional or clan) the negotiation period has to be lengthy and inclusive because otherwise a new outbreak of conflict due to the concentration of power in state institutions by one group will aggravate social and political cleavages<sup>381</sup>.

In the assessment of this element the analysis will therefore focus on developments in the area of technical institution building, such as administrative reform. The developments in the elections will feature prominently in this element but also governance support and general government performance will be assessed.

### **c) State-building element: Civil and Political Rights<sup>382</sup>.**

The most prominent civil right in the context of state-building in post-conflict states is the re-establishment of the Rule of Law (RoL). But why is it such an important concept? Plunkett describes RoL as the “glue” that holds together the legal relationships that form the state<sup>383</sup>. For him, RoL is ‘a notional social contract by people who consent to regulate their behaviour by rules that have the force of law usually deriving their authority from the state’<sup>384</sup>. This thesis agrees with his description. RoL is a concept which has been enthusiastically embraced by development actors since the 1990s; but as with most buzzwords, it has been overused and can be matched by a ‘proliferation of rule of law programs purporting to do everything from legislative, judicial, and police reforms to land

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<sup>379</sup> Cf. Kumar (2000). This chapter is also an excellent guide to the different phases of election assistance and to the problems and challenges faced.

<sup>380</sup> Sisk (2009), p. 217

<sup>381</sup> Cf. Jeong (2005), p. 83

<sup>382</sup> Civil rights are defined here as ‘those that belong to every citizen of the state, and are not connected with the organization or administration of government. They include the rights of property, marriage, protection by law, freedom to contract, trial by jury, and the like. These rights are capable of being enforced or redressed in a civil action in a court’, while ‘political rights entail the power to participate directly or indirectly in the establishment or administration of government, such as the right of citizenship, the right to vote, and the right to hold public office’. West's Encyclopedia of American Law (2008 )

<sup>383</sup> Cf. Plunkett (2005)

<sup>384</sup> Ibid., p. 76

and property administrations and market reforms'<sup>385</sup>. RoL has become a proxy beyond civil rights, including political, economic and social choices. The problem with this lies in the fact that it only creates wrong expectations among the people. That is not to say that this thesis only sees RoL to cover rule by law, but it is also concerned with justice. Economic and social choices are considered to be dependent but separate – hence the two are dealt with in the next section of the thesis. Indicators for the quality of RoL are for example the ratification of core international human rights conventions, the existence of sanctions due to human rights violations, Freedom House's RoL score and Transparency International's Corruption Index value<sup>386</sup>. Succinctly, this thesis sees RoL as a feature of governance which constrains people in power from acting as if there was no RoL. Some of the features of RoL are particularly pertinent in a post-conflict situation, such as: equal and fair access to justice, accountability to the law by the legislative, humane detention and imprisonment, law enforcement (police) and creating just legal frameworks<sup>387</sup>. This list demonstrates how the other sub-elements of state-building are reinforced by the RoL, but also indicates how the RoL is also dependent on them. The enforcement model for the RoL, which addresses wrongdoings - such as acts of criminal culpability - is particularly important for creating or maintaining a neutral political environment which is necessary in order for the first post-conflict elections to be meaningful and successful.<sup>388</sup> While justice and law assets might only be present as remnants or lacking completely, local and pre-existing legal order or traditions should be considered and compatibility assured in order to foster transferability.

The main purpose of RoL programmes should not be to be permanently dependent on the support of the peacekeepers (who might have to take over RoL functions immediately after the conflict) and/or their laws, but to keep their influence limited to the transitional period until the post-conflict state has its own capacity to establish them.<sup>389</sup> The creation of organs of justice, the writing of a new constitution or establishing new criminal law does not

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<sup>385</sup> Jensen (2008), p. 119 Some RoL strengthening programmes even include 'citizen security and stability, protection of human rights, dispute resolution, economic growth and development, and protection from bureaucratic caprice and corruption'. (Brian Tamanaha as referred to in *ibid.*)

<sup>386</sup> Cf. for further indicators: Tschirgi (2010), Appendix 2

<sup>387</sup> Features adapted from United States Institute of Peace (2009), Section 7

<sup>388</sup> In some post-conflict countries this includes the establishment of a truth and reconciliation commission, to 'inquire into and report on: genocide and war crimes; official misconduct including corruption, abuse of office, lack of impartiality, and electoral misconduct; and reform of the criminal justice system'. (Plunkett (2005), p. 81)

<sup>389</sup> In particularly severe cases (eg. genocide), in which the sense of prejudice in the host country is too severe or the judiciary is simply not sufficiently developed (long civil wars or conflicts often have a depleting effect on skilled judges, court clerks or even administrative needs), the International Criminal Court in the Hague can try such cases.

establish a working RoL. RoL is inherently linked to a change in thinking. The most important aspects of this are that the RoL has to be established or reformed in such a way that it creates an environment in which people are able to have equal access to a system of justice that is consistent with international human rights standards, and that the new institutional arrangements are self-enforcing. Of particular importance – with regard to the following case study – are also improvements in civil rights for minority groups such as women. It is impossible to elaborate in detail the other aspects subsumed under the category of civil rights; RoL was chosen because of its importance for post-conflict state-building and particularly for EU-led state-building in fragile states which will be examined in the case-study.

The improvement of political rights is important with respect to elections, as was addressed in the previous section, and as political rights are so closely linked with the proper conduct of elections, the main details were (and will be) debated in the section on institution building. Political rights are a necessity for democracies, as they allow people to participate in the government as part of civil society and give people the right to vote and hold office – hence holding their government responsible.<sup>390</sup> And what would democracy be without freedom of expression? In addition, such liberties as the right to assemble are necessities for forming political parties and hence for creating a competitive political playing field without which a multi-party democracy would not be possible.

The European Union no longer distinguishes between civil and political rights in its Charter of Fundamental Rights which was reproduced in the Treaty of Lisbon and has the same legal value as the treaties. This indicates the EU's dedication to these rights. It will be interesting to see how much emphasis it lays on the fostering of these rights in its state-building policies in Afghanistan. In the assessment of this element the analysis will focus strongly on the establishment of RoL (police and justice). In the context of Afghanistan anti-corruption efforts are certain to be examined. Additionally the respect for liberties and rights such as human rights will also be examined in this element.

#### **d) State-building element: Social and Economic Rights**

Those legacies left after conflicts include not only considerable uncertainty in the security situation but also a badly damaged economy. Prolonged conflict disrupts the market,

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<sup>390</sup> Cf. Jeong (2005), p. 120

destroys the infrastructure such as roads and airports or production facilities and seriously depletes human capital. Additionally, fragile statehood probably results in debilitated institutions and a depleted state income. Hence the support for social and economic rights in the course of a state-building effort must be adapted to these circumstances. The subsequent growth of a stalled economy depends on the quality of the policies, governance and institutions introduced and built during the state-building process. As some economies emerging from conflict are still prone to patterns of behaviour found during the original conflict period, special attention needs to be paid to habits of patronage and corruption. Sometimes external standards (such as e.g. the *acquis communautaire*) can be taken as guideline or even a benchmark in the rebuilding of economic governance structures and institutions.

In the immediate aftermath of a conflict the international community has taken to providing humanitarian assistance to the people affected. While this emergency provision of public goods is laudable and should be encouraged, the lengthy provision of these services through alternative agents other than the state can lead to dependence on these agents<sup>391</sup> and can even suppress local economies – since the food or clothes are provided free of charge. Economic development is heavily dependent on previous state-building elements, especially on the successful creation of a conflict-free environment as the risk of recurrent conflict and violence deters investment (particularly FDI). Economic development is also dependent on an infrastructure supportive of trade. Both of these are needed for any economy to flourish. Furthermore, the creation of an institutional environment laying down the legal necessities for enterprises to develop is essential. These prerequisites include the institutionalisation of a banking sector and a market and the granting of property rights (and particularly legislation preventing expropriation)<sup>392</sup>.

It has been proved that access to land can play an important role in the reintegration of former combatants<sup>393</sup>. The support given to (legitimate) agriculture is therefore important in several ways: as a method of providing food, but also as an aid to reintegration – of course if the conflict involved the use of landmines, then swift demining action is required.

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<sup>391</sup> Cf. Carnahan and Lockhart (2008), p. 94

<sup>392</sup> Carnahan and Lockhart state, 'a functioning public finance system is the backbone of an effective and legitimate state'.(ibid., p. 73) This neoliberal influence is mostly due to the nature of the institutions providing reconstruction support; most of which have liberal or neo-liberal tendencies (e.g. World Bank, IMF, EU). Alternative views have voiced the importance of welfare in this context. See e.g. Duffield (2007)(on social insurance) or Pugh (2005), Pugh, Cooper and Turner (2008)

<sup>393</sup> Collier (2008)



A frequent problem in post-conflict economies is that the main source of income and trade comes from illegal economies in drugs, diamonds or small arms<sup>394</sup>. Even if trade is not carried out in illegal resources, the state still loses income due to the lack of any proper public financial system. This kind of “parallel” economy develops its own rules and laws which means that no taxes are paid to the state. The creation of employment for all citizens (particularly ex-combatants) is therefore pertinent. Apart from this, the state needs a budget in order to pay for – and hence deliver – public goods such as security, infrastructure and social provisions over and above running the governmental administration, which includes paying its officials. Hence, if the state does not want to depend on external aid it must generate income. A state’s investment in the education and health sector does not only show that it is providing its people with their social rights, but also yields further returns as it influences and enhances the worker skill level, which in turn benefits the economy. Prolonged violent conflict often goes hand in hand with a depletion of skills (educational as well as vocational) available in the population. In the assessment of this element the analysis will therefore focus on economic and (in Afghanistan’s case particularly) rural development and the provisions in the health and education sectors. Additionally the issue surrounding opium production will be considered.

## **Conclusion**

This chapter has first of all established the necessary understanding of the concepts relating to state-building: sovereignty, legitimacy, fragile statehood and the good (enough) governance debate so prominent in developing studies. By evolving the discussion of the functions a state should ideally fulfil, the notion of state-building was then introduced. It became clear that the state-building process is a very interdependent process and success and failure can depend on the right timing of certain strategies. There is a plethora of literature on how state-building should be conducted and on what it should or should not entail. Post-conflict state-building is therefore another independent variable influencing the findings of this thesis, although its influence on the analysis makes itself felt through the state-building framework (which is yet to be established). Therefore, and most important for the continuation of this thesis, the chapter has established the four main elements of state-building as understood here and has sketched the pertinent debate surrounding these elements. To recall, the four elements of state-building as understood in this thesis are:

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<sup>394</sup> Jeong (2005), p. 127. On the necessity of these informal economies see Nordstrom (2004).

security, institutions, political and civil rights and economic and social rights. This breakdown into four elements facilitates a systematic discussion of the concept of state-building for the remainder of the thesis, as otherwise the mere reference to an all-encompassing state-building concept would be too broad and confusing. To complete this structure, these four elements will be re-examined and placed within the state-building Framework, thus providing the thesis with a systematic order in which all state-building policies and programmes can be analysed. With the aid of the state-building Framework, each policy or description of the past and present status in each different field will henceforth be allotted to one of these four categories. Therefore, an understanding of what each state-building element encompasses is crucial for the later construction of the state-building Framework, which in conjunction with the institutional-learning Framework (which will be developed in the following chapter) will form the Research Framework. These Frameworks are therefore crucial for the systematic analysis in the case-study.

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## Chapter IV

### Establishing the concept of institutional-learning

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#### ***A. Aim***

This chapter outlines the theoretical foundations on which the concept of institutional-learning is based and establishes the framework which will be used to account for changes in EU state-building policies by means of institutional-learning or adaptation. By providing an overview of the different concepts of learning and applying the methods used in the fields of organisational and governmental learning it establishes the working definition of institutional-learning as will be used throughout the thesis, namely: *institutional-learning is characterised as the desire to enhance an organisation's performance by the acquisition and evaluation of new consensual knowledge, hence leading to an elimination of mistakes and a continuous questioning of the status quo. It is desirable that this institutional-learning is then institutionalised in the institutional framework of the organisation.* In hindsight of developing the institutional-learning Framework, the questions of what triggers learning, the awareness of the necessity for learning and of the difference between individual and organisational learning are all addressed. After analysing the actors involved and the contents of learning, the chapter establishes an understanding of the different categories of learning (learning from history, learning by doing, lesson-drawing) and adaptation by drawing up the institutional-learning Framework. In the later parts of the thesis, this Framework will be applied alongside the state-building Framework to the analysis of EU documents and to the findings gained from fieldwork.

#### ***B. An academic approach to institutional-learning***

Before focussing on the subject of institutional-learning, a brief excursus will be taken, establishing the perception of institutions as presented in the general theories of international relations. This is necessary to provide a sound theoretical foundation on which to build this thesis's framework for institutional-learning (IL). The main approaches considered include Rational Choice, Constructivism and Institutionalism; these will be examined with a focus on their contribution to how they perceive institutions and how they differ in their assumptions with respect to change and learning<sup>395</sup>.

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<sup>395</sup> The examination of these approaches is condensed and simplified here due to space constraints; a well written overview can be found in: Burchill, Linklater, Devetak, Donnelly, Paterson, Reus-Smit and True (2005) or Marsh and Stoker (2002). Welch (2005) gives an interesting overview of the implications of RCt for foreign policy (pp. 41-71).

### **i. Rational Choice and Institutions**

The two main rational approaches in international relations theories are realism and liberalism (including their variations and subfields). They both share the assumption that the most important aim of human nature is to strive for power; hence international politics is characterised by the desire for power by all states<sup>396</sup>. In essence, Rational Choice theory (RCt) can be summarised by Elster's quote: 'when faced with several courses of action, people usually do what they believe is likely to have the best overall outcome'<sup>397</sup>. The method applied in RCt is strongly influenced by economics and was introduced as part of the behavioural revolution in American political science during the 1950s and 1960s employing empirical methods<sup>398</sup> and game theory. General RCt is mainly associated with the concepts of "utility maximisers", "homo economicus", "the individual", "constraints by set assumptions on possible actions or available information" and "one common equilibrium"<sup>399</sup>. In line with Realist theory, these axioms imply that

'international organizations are simply used by powerful states to implement their power politics more effectively and to pursue their self-interest. The establishment and the success of international organizations are thereby dependent on the existence of a hegemon possessing overwhelming power resources.'<sup>400</sup>

As an extension of this statement, RCt maintains that institutions are consciously designed structures chosen by individuals to produce stability<sup>401</sup>. A main drawback of RCt with respect to institutions is its failure to explain collective action as exhibited by international organisations such as the EU or the UN, since collective action – in coherence with a rational self-interest – generally leads to a less than optimal outcome because it frequently involves compromises<sup>402</sup>. By calculating which decision or strategy best serves the institution, decision-making and change are determined not only by the strongest actor but also by the interest displayed by the organisation itself<sup>403</sup>. This can produce the negative outcome that institutions are creating problems rather than solving them – a claim which is often made when referring to state intervention when attempting to repair market failures<sup>404</sup>.

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<sup>396</sup> Rittberger and Zangl (2006) referring to Morgenthau (1993)

<sup>397</sup> Elster (1989), p. 22

<sup>398</sup> Cf. Ward (2002)

<sup>399</sup> Diekmann and Voss (2003), Ward (2002), Meyer (2008), Koremenos, Lipson and Snidal (2001)

<sup>400</sup> Rittberger and Zangl (2006), p. 15

<sup>401</sup> Blyth (2002), p. 302

<sup>402</sup> Ward *ibid.* referring to Hardin (1968)

<sup>403</sup> Allison and Zelikow (1999), Chapter on the Rational Actor Model

<sup>404</sup> Cf. Ward (2002), pp. 66-67

The main implications of RCt for IL lie in their assumptions that ‘individuals have all the rational capacity, time and emotional detachment necessary to choose the best course of action, no matter how complex the choice’<sup>405</sup>. Anyone even faintly familiar with the working of international organisations such as the EU will agree that these assumptions are unfeasible in such a setting. The aforementioned cost/benefit calculations also imply that in this setting an institution will not simply achieve learning by being provided with all-encompassing information, since obtaining this information will (probably) be costly and hence will make this attempt irrational. Additionally, on account of its focus on the behaviour of the individual, RCt ‘pictures individuals as isolated social atoms – autonomous sources of social causality in the social process’<sup>406</sup>, but it is not the individual which is the focus of this thesis. Overall, RCt fails to explain learning with respect to collective action problems (especially if altruism is involved) and “when” and “when not” to reciprocate the heuristics employed. This is further exacerbated since RCt relies heavily on communication and other persons’ reputations for trustworthiness, and the internalisation of norms of appropriate behaviour for which there are intangible costs involved when they are violated<sup>407</sup>.

On a positive note, general rationalism focusses neither on the system of states nor upon “the community of humankind”, but upon the phenomenon of international order and ‘takes moral arguments for change seriously although it is invariably sceptical about grand visions of global reform’<sup>408</sup>. Considering the subject of this thesis and the fact that the EU is very much engaged in its transfer of values, this aspect seems fitting.

This thesis does not straightforwardly reject RCt but it does struggle with some of its conceptualisations. This thesis argues that institutions (and since the actor in this thesis is the EU, this is particularly relevant) do not act in a consistently rational manner. The reasoning behind this argument is as follows: institutions might continue a specific course of action (e.g. a policy) despite having come to realise that this is not advancing their cause; however, instead of admitting to this “error” they continue on their set course of action because they perceive admittance to this “error” to be too costly. The cost in this instance can be the perception of a certain image in the international community. While this thesis agrees with the general cost-benefit calculations found in RCt, the author believes that the

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<sup>405</sup> Ibid., p. 68

<sup>406</sup> Ibid., p. 78

<sup>407</sup> Cf. Ibid., p. 73

<sup>408</sup> Burchill and Linklater (1996), p. 94

premises of the RCt cost-benefit argument follow too narrow a conceptualisation, as the argument does not account for such non-material factors as the loss of image or identity. In the same sense, institutions (just like countries) sometimes have to act according to a specific dependency arrangement, while reason would in fact dictate a different course of action. Most importantly, if an institution were to act completely rationally (and therefore within the realms of RCt), then it would in fact excel in institutional-learning because learning is associated with and is generally attributed to general improvement (e.g. increased output or increased efficiency); it would therefore be in the institution's best interest to maximise its learning capacity. This however is in contrast to the instances in which institutions have (either purposefully or not) missed an opportunity to learn a lesson – a point raised by Etheredge later in the discussion on learning. In conclusion, as the strict interpretations of RCt are too narrow for this thesis' purpose, and in line with the reasoning outlined above, the thesis favours the concept of bounded rationality, while not wholly rejecting RCt..

The concept of “bounded rationality” is a deviation from mainstream RCt. In; contrast to RCt, it allows for limited information, limited time and limited cognitive capacity to process information, implying that decision-makers use heuristics built into standard operating procedures to obtain satisfactory results<sup>409</sup>. The importance of these “loosened” assumptions is that they imply that not only are the actors not endowed with complete information, but also that the information is not equally shared, hence allowing for uncertainty in this context. Additionally they allow for interpretative bias by decision-makers, meaning that the decision-maker will not process the information without his own interpretation<sup>410</sup>. Herbert Simon maintains in the context of IL that decision-makers pursue what they are doing until the pay-off drops below a satisfactory level and until they find another satisfactory level<sup>411</sup>. The problem with this method is that it will only provide incremental policy change – which will be defensible under conditions of extreme uncertainty.

To summarise, a strict interpretation of the RCt approach provides only a very limited explanation for IL/change and international cooperation, mainly due to its narrow conceptualisation. Neither RCt nor bounded rationality therefore provide sufficient

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<sup>409</sup> Ward (2002), pp. 72-73

<sup>410</sup> Cf. Sommerer (2011), pp. 38-39

<sup>411</sup> Simon (1982), as referred to in Ward (2002), p. 72

explanation and guidance when taken on their own for the analysis undertaken in this thesis. As a result, this thesis combines its approach with international institutionalism (cf. section iii), but in terms of the *rationality of the actor (EU)*, *bounded rationality will be applied*.

## ii. Constructivism and Institutions

Constructivists seek to explain ‘three core ontological propositions about social life, propositions which they claim illuminate more about world politics than rival rationalist assumptions’<sup>412</sup>. Reus-Smit lists these three propositions as the importance of structures, an understanding of how non-material structures condition actors and the fact that structures and agents are mutually constituted. In contrast to RCt, constructivism emphasises that the actors ‘act not only according to their selfish interests, [...], but also in response to shared values and norms’<sup>413</sup>, which for them is the reason for the creation of institutions. It is this importance attached to normative and ideational structures that according to constructivists shapes the social identities of political actors. The importance of norms and values is certainly an element familiar to students of the European Union. The EU is known to be a great promoter of norms and values, and it seems quite obvious that a learning organisation (which this thesis claims the EU to be) would amend its policies according to changes in such norms and values, which could well have been expressed by the epistemic community. The stress placed on identities informing interests is worthy of note as this would allow for the “loss of image” such as was lamented during the discussion of transaction costs in RCt, because ‘rationalists believe that actors’ interests are exogenously determined’<sup>414</sup>. Additionally, the cognitive agreement of creating institutions and of problems being perceived differently in different societies is part of the constructivist reason for creating institutions in itself; as a result, constructivism focusses (among others) on the role of social groups such as non-state actors, advocacy groups or epistemic communities<sup>415</sup>. This has led to two distinctive, yet complementary, analyses of international change: ‘one focusing on grand shifts between international systems, the other on recent changes within the modern system’<sup>416</sup>. Ruggie’s work in this context ‘emphasizes the importance of changing social epistemes, or frameworks of knowledge’<sup>417</sup>. It could therefore be argued that constructivism focusses on cognitive processes through which to analyse the world and on

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<sup>412</sup> Reus-Smit (2005), p. 196

<sup>413</sup> Rittberger and Zangl (2006), pp. 21-22

<sup>414</sup> Reus-Smit (2005), p. 197

<sup>415</sup> Rittberger and Zangl (2006), drawing on Finnemore and Sikkink (1998)

<sup>416</sup> Reus-Smit (2005), p. 201

<sup>417</sup> Ruggie, as referred to in *ibid*.



the constraints faced by actors through social structures – which can be found in some of the IL literature dealing with this cognitive element. In some analyses, norms and the global polity are seen as the drivers of change<sup>418</sup>. Only recently has the interplay between bureaucratic assertiveness and bureaucratic expansionism been found to be a key factor in learning (organisational learning in this case), giving rise to the realisation that crises have a significant impact as a trigger for learning – but as yet no real advance has been made in employing a systematic concept of learning<sup>419</sup>. It seems that for constructivists, institutional change is usually influenced by normative shifts in the environment, as their focus is on human invention or creation and hence ‘if the thoughts and ideas that enter into the existence of international relations change, then the system itself will change as well, because the system consists in thoughts and ideas’<sup>420</sup>.

While constructivism is not in opposition to the study of institutional-learning, it does not support the use of causal relationships or cost-benefit analyses as used in this thesis, since it proclaims that meanings embedded in language or other symbols ‘cannot be understood by testing them as measurable variables that cause behaviour in any direct or quantifiable manner’<sup>421</sup>. Furthermore, as Sterling-Folker so aptly notes, ‘what distinguishes constructivist analyses in the discipline is less the methodology or epistemology and more the topics or subjects that have been explored. In this regard, constructivism has legitimized certain subjects of inquiry that had either lain dormant in the discipline or had simply been ignored, such as collective identity formation and culture’<sup>422</sup> or emotions<sup>423</sup>. This thesis therefore chose to apply international institutionalism as will be outlined in section iii.

### **iii. Institutionalism and Institutions**

It is the institutionalism school which places the significance of institutions for political processes in focus. March and Olsen even went as far as to maintain that institutions ‘are political actors in their own right’<sup>424</sup>. Like most of IR theories, there are several versions of institutionalism – the version with which this thesis is concerned is international

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<sup>418</sup> Barnett and Finnemore (1999)

<sup>419</sup> Barnett and Finnemore (2004), pp. 156-159

<sup>420</sup> Jackson and Sørensen (2007), referring to Wendt’s ‘anarchy is what states make of it’.

<sup>421</sup> Reus-Smit (2005), p. 203, referring to Taylor 1997, p. 111

<sup>422</sup> Sterling-Folker (2005), p. 118

<sup>423</sup> A recent example of Constructivism being used to study emotions is found in Shepperd (2013)

<sup>424</sup> March and Olsen (1984), p. 738

institutionalism as Peters refers to it<sup>425</sup>. One of the most significant traits of this version of institutionalism is that it reinterprets the understanding of “political institutions” to mean more than “political organisations” (such as parliaments), regarding it in the broader sense of a ‘stable, recurring pattern of behaviour’<sup>426</sup>. It serves well to remember that there are indeed formalised rules and structures in international politics – most readily at work in regional organisations such as the EU, NAFTA or ASEAN. While some IR approaches resist the idea of there being a capacity for the enforcement of rules in international politics, international institutionalism sees no contradiction in this idea. This is particularly pertinent to the internal rules of international organisations as they are ‘as viable as those promulgated by other structures, and the internal impact of rules tends to be the principal defining characteristic of institutions’<sup>427</sup>. Peters’ approach is therefore closely linked with some elements of regime theory<sup>428</sup> as it assumes that ‘there is some continuing pattern of interaction among the participants in a regime, and they also assume that there is the development of some common patterns of meaning and interpretations among those actors’<sup>429</sup>. These rules can be imposed by the organisations and the respective treaties but may also include rules imposed on themselves by the participating member states – which is clearly apparent in the EU.

With reference to the actor in international institutionalism, the question of reducing the debate to the level of the individual does not even arise; the actors are assumed to be national governments and other international institutions<sup>430</sup> – very fitting for the analysis undertaken in this thesis. It is assumed that the ‘institution influences the values of the components and the values then influence behaviour’; but allowing the national institutions to be more directly involved in shaping the member states’ values<sup>431</sup>. Among the different member states there is a convergence of values, implying that there is interaction closely related to inter-governmental politics within nation states, even mutual dependency. Most important is the perception of shared values under the premises of international

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<sup>425</sup> Peters (1999), chapter 8

<sup>426</sup> Lowndes (2002) referring to Goodin, R. and Pettit, P. (1993), *A companion to Contemporary Political Philosophy*; Oxford: Blackwell

<sup>427</sup> Peters (1999), p. 141

<sup>428</sup> This thesis finds it quite reasonable to think of regimes as the analogues of institutions at the international level as they display some of the same characteristics of stability and predictability that are also used in the definition of institutions.

<sup>429</sup> Peters (1999) referring to Kratochwil and Ruggie (1986), p. 767. See pages 142-152 for Peters’ elaborations on how international institutionalism and regime theory are interlinked.

<sup>430</sup> Peters (1999), p. 147

<sup>431</sup> *Ibid.*, p. 148

institutionalism – always with the EU in mind – as these are considered to ‘facilitate moving the interactions from hierarchy to cooperation and mutual influence’<sup>432</sup>.

A most intriguing revelation with respect to international institutionalism is that it even considers the importance of a “collective memory”<sup>433</sup>, which is of heightened significance when applying IL to the debate concerning policy change. Peters links the debate on the general problem of change in international institutions with that of international regimes and points mainly to their susceptibility to fragility. He maintains that in most instances there are few binding reasons for a national actor to remain within the chosen regime; states will only adhere to the rules of the game (regime) until the regime no longer serves their interests and a withdrawal is more advantageous. Peters (together with the author of this thesis) is aware that there is a problem of

‘a tautology in regime theory and the absence of any external referent against which to compare national interest and values in a regime. That is, the only way we can know that a regime is no longer in the interest of a nation state is when it chooses to withdraw from it’<sup>434</sup>.

But despite this tautology, the theoretical standpoint of this thesis can be summarised as that the actor is assumed to act under bounded rationality in a setting defined by international institutionalism.

### ***C. Are organisations and institutions the same?***

This question has to be answered with a clear “no”. While institutions refer to the overall entity, including the norms and values and rules which make up the organisation (hence this thesis refers to *institutional-learning*); an organisation on the other hand is the all-encompassing structure of a body such as the EU, including for example its distinct decision-making bodies. Using Selznick’s words to describe the difference between organisations and institutions: institutions are created when an organisation is ‘infused with values’ greater than would be necessary simply to achieve their formal purposes<sup>435</sup>. Thus, an institution is created by infusing an organisation with formal structure that has meaning for its members and with the members seeing this structure as more than “a means to an end”. North (using an economic context) extrapolates the difference between the two as follows: ‘institutions, together with the standard constraints of economic theory, determine the

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<sup>432</sup> Ibid., pp. 148-149

<sup>433</sup> On organisational memory see Huber (1991)

<sup>434</sup> Peters (1999), p. 150

<sup>435</sup> Ibid., p. 34

opportunities in a society. Organisations are created to take advantage of those opportunities, and, as the organisations evolve, they alter the institutions.’<sup>436</sup> This is in agreement with Johnson who claims that institutions serve a signpost function<sup>437</sup>. In the institutionalist tradition of economic theory the common idea is that societies are characterised by regularities of behaviour (specific to time and place) and that institutions thus make ‘other people’s and organisation’s actions more predictable and actually provide information’<sup>438</sup>. Institutions therefore reduce uncertainty and ‘coordinate the use of knowledge, mediate conflicts and provide incentive systems’<sup>439</sup>. Consequently, institutions can provide the stability necessary for such developments as change and innovation, but this does not imply that they have to promote them. The basic argument underlying this thesis is that institutions identify and then adapt to changing circumstances in their environment through a process of learning.

The importance of distinguishing between the terms “organisation” and “institution” is made clear in the debate surrounding institutional racism described in the Macpherson Report on police racism, which should make this distinction clear: the term “institutional racism” was used as it meant that racism took place ‘not solely through the deliberate actions of a small number of bigoted individuals, but through a more systematic tendency that could unconsciously influence police performance generally’<sup>440</sup>. The Report went on to state that racism was not just found in individuals, departments or specific elements within the police organisation, but that it was engrained in the institution itself– a clear reference to the norms, rules and structure which have been identified to characterise an institution.

So what then are the characteristics of an organisation? To understand the different effects that learning can have on organisations, the reason for their existence needs to be established. What is their function? Siebenhühner gives an excellent condensed definition: organisations ‘appear as multi-dimensional structures that have the ability to organise themselves and to behave as a collective actor’<sup>441</sup>. He outlines the requirements for the existence of an organisation as follows:

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<sup>436</sup> Cf. North (1990), p. 7. Rittberger and Zangl (2006), (p. 6) state in this context that ‘international organizations are a specific class of international institutions’. Further distinctions between international organisations can be found in their introductory Chapter.

<sup>437</sup> Johnson (1992), quoting Lachmann (1970), p. 26

<sup>438</sup> Ibid., p. 25

<sup>439</sup> Ibid., p. 26

<sup>440</sup> Macpherson (1999), chapter 6, paragraph 6.5 (original in italics)

<sup>441</sup> Siebenhühner (2003), p. 11

- Membership pattern - members have a specified relationship with the organisation.
- Rules & procedures - organisations have a mandate which outlines the scope of their activity and gives a general framework. All members agreed to these by joining.
- Common objectives - a common set of targets.
- Authority to act for the organisation - one individual is capable of acting and speaking on behalf of the collective group.
- Boundaries between the organisation and the environment - these are mostly pre-determined or restricted by membership patterns and the mandate.<sup>442</sup>

These prerequisites are always the same, whether the focus of attention is on businesses, governments, NGOs, GOs or international organisations. The difference lies in the exact interpretation of these prerequisites. Whereas the common objective of e.g. the UN might be world peace and poverty reduction, the common objective of a business might be profit maximisation and economic survival. But the members of these organisations will in both cases strive for them collectively. There are of course far-reaching differences between private sector organisations and public sector organisations (mostly granting more autonomy and flexibility to private sector organisations), but the points outlined by Siebenhühner all have to be defined for an organisation to be classified as such. Especially when dealing with international organisations, it is important to be aware of their political standing<sup>443</sup> as they often signal established power relationships between people or even countries. An example for this is the established dominance of US policies in the actions of the World Bank, while the IMF is more influenced by European policies. Therefore international organisations have to be considered as arenas for the exchange of information, and as actors who provide independent inputs into the policy process<sup>444</sup>. Stressing this actorness Rittberger and Zangl see international organisations as ‘real actors who are capable of independent action internally as well as externally thanks to pooled or delegated sovereignty’<sup>445</sup>.

So how does the EU fit into this discussion about organisations and institutions? If we recall the discussion in the EU chapter, the EU was in this instance classified as a regional economic and political organisation. This classification can be taken even a step further as Rittberger and Zangl classify the EU as a programme organisation, as such it sets behaviour and distributes norms and rules<sup>446</sup>. Like all programme organisations, the EU has a mission which is outlined in the preamble of the treaties. The treaties furthermore make statements

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<sup>442</sup> Ibid., pp. 11-12.

<sup>443</sup> Johnson (1992), p. 26

<sup>444</sup> Cf. Haas (2000), p. 558

<sup>445</sup> Rittberger and Zangl (2006), p. 7

<sup>446</sup> Ibid., pp. 10-11

concerning the structure of the organisation and policy programmes. The organisation of the EU consists of several bodies<sup>447</sup>: European Parliament, Council, Commission (also called the decision-making triangle) and the Court of Justice and the Court of Auditors (which are the supervisory bodies). These are further complemented by the advisory bodies of the Economic and Social Committee and the Committee of the Regions and the financial institutions of the European Investment Bank and the European Central Bank. But the EU is more than just the bodies making up the organisation. With its promotion of norms and values, its very specific decision-making procedures, its *modus operandi* and the issuing of legislative acts it constitutes an institutional framework unlike any other international organisation. It is therefore more than justified to speak of “institutional-learning” when referring to EU learning processes.

#### ***D. Is “change” synonymous with “learning”?***

While institutional-learning and institutional change, as well as organisational learning and organisational change, are frequently used interchangeably in the literature, this thesis clearly states that they are not the same. Fiol and Lyles clarify the difference in their statement that ‘change does not necessarily imply learning’<sup>448</sup>. While “change” might still result in policy changes, these changes can be caused by reasons unrelated to learning. “Learning” as characterised by this thesis results in policy changes due to changes in the belief system. This concept will be revisited in the discussion relating to double-loop learning in due course. In the same way, while Fiol and Lyles see a prevalence of the term “learning” over “adaptation” in the literature<sup>449</sup>, Haas disagrees with this when he argues that ‘neither adaptation nor learning wins any final and full victories [and] that the two coexist and interact’<sup>450</sup>. For the purpose of this thesis the term institutional-learning will be used throughout, except when the literature consulted uses alternative terminology. This will not be altered to cohere with probable semiotic connotations attached to such terms by the authors.

In the following section the concept of institutional-learning will be scrutinised in more detail, in order to extrapolate a working definition and to devise the IL Framework for use

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<sup>447</sup> Centre Virtuel de la Connaissance sur l'Europe (2011)

<sup>448</sup> Fiol and Lyles (1985) , p. 803

<sup>449</sup> Ibid., p. 809

<sup>450</sup> Haas (1990), p. 169

in the analysis in the thesis. As the literature on learning in an institutional setting like the EU is limited, literature relating to learning and change in businesses and governments is visited before moving on to the general concepts of learning. This will be undertaken in order to reach a better understanding of the concepts employed, as most methods are derived from the literature of business management and then “translated” into the differing contexts. As the literature of management in particular has a very strict and focused definition of the learning concept, it must be broadened and at some points “diluted” in order for it to be applicable to the complex circumstances faced by political institutions and allow for bounded rationality by the actor, as the business literature usually considers actors to be rational.

### ***E. Institutional-learning***

IL is gaining importance as institutions, and particularly regional and international institutions, are given greater responsibilities in order to keep abreast of the ever growing trend towards globalisation in the economic, political and even cultural sense. Despite this increase in significance, the concept of IL itself is not only under-researched, it also lacks a clear definition, particularly when it comes to learning processes in intergovernmental institutions. This is regrettable as some of the classic works on organisational learning clearly emphasise ‘the intellectual advantages that would derive from an analysis of public/political-sector organisations in terms of, for example, their capacity to experience single-loop and double-loop learning’<sup>451</sup>. Institutionalism encourages ‘political scientists to look carefully at some of the well-established conceptual schemes of organisational theory, such as those that address behavioural study of the firm, and the expanding literature in the field of organisational learning’<sup>452</sup>. IL is discussed in the context of how to improve an organisation’s capacity<sup>453</sup> or efficiency – most cross-disciplinary integration of organisational theory literature with political science literature therefore requires openness from both sides.

The following debate should provide the answers necessary not only to arrive at a working definition of IL but also supply some answers to the leading questions of what learning is and how it is measured. How does it differ from “lesson drawing” or “transfer”? Is there a sense of direction included in learning? An important point to be covered in this chapter

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<sup>451</sup> LaPalombara (2001), p. 137

<sup>452</sup> Ibid., p. 148

<sup>453</sup> Cf. On „why focus on learning”: Haas and Haas (1995), pp.258-9

will also be where the lessons are drawn from. The answers to these questions should help in the operationalisation of the framework at the analysis stage.

#### **i. Learning/Change in a business management and innovation context**

The literature on organisation theory is mostly concerned with the questions of how organisational change occurs and how it can be managed<sup>454</sup>. The private sector usually experiences change in the form of a change in environment, innovation or the introduction of new technology. In most cases the factory assembly mechanisms are enhanced, as globalisation ultimately leads to growth of the organisation and the organisation has to adapt to this change. Sometimes they might also experience change in the rise of some form of conflict. They are further greatly influenced by modifications in customer preferences: whether the emphasis is placed on cost efficiency, superior quality or timely delivery.<sup>455</sup> Consequently, as the environment becomes more susceptible to competitive and global pressure, businesses have to adjust their operational features.<sup>456</sup> If this change or learning is intended, then economists generally refer to it as “planned change”, while linking it to organisational development. The process is mostly initiated in order to enhance the organisation’s performance with regard to efficiency and effectiveness – in other words, to move it from a ‘current undesirable state to a new, more desirable state’<sup>457</sup>.

On the whole, the literature agrees that change/learning is necessary for survival in the market<sup>458</sup>. While the literature reviewed here focusses on the economic market, it stands to reason that learning is also important for the international competitiveness and survival of international organisations. The nature and characteristics of the organisation are said to change in line with the different understanding of learning/change.<sup>459</sup> Some of the triggers

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<sup>454</sup> Cf. e.g. Carnall (2003), Dawson (2003), Hatch and Cunliffe (2006), Pettinger (2000), Starkey (1996)

<sup>455</sup> This development is mirrored in the different production strategies over periods of time; e.g. Fordism, Toyotaism, Just-in-Time or Kanban, to name only a few examples. As will be obvious from these examples, most change occurs in technology or in the operation strategy of assembly lines as this is where advances are most readily detectable and noticeable.

<sup>456</sup> Cf. Crowther and Green (2004), Chapter 13

<sup>457</sup> Hitt, Miller and Colella (2006), p. 530 (box)

<sup>458</sup> Johnson agrees that institutional-learning is important for international competitiveness. (Johnson (1992), p. 23)

<sup>459</sup> Crowther and Green rightly note in their Chapter devoted to change that the types of organisation ‘depend on their adaptive behaviour used to maintain an effective alignment with their environment’ (Crowther and Green (2004), p. 182). They define the following four types of organisation: defenders, prospectors, analysers and reactors. Defenders perceive their environment to be stable, and grow by means of market penetration. They see change as a means of planning. Prospectors are more concerned with finding and exploiting new products; they are pictured as creators of change, which also explains their R&D directed nature. Analysers are followers of change, who ensure their survival in the market in the form of



causing businesses to change are particularly important from a knowledge management perspective, as it is important to note the increasing sense of recognition that environments change and that knowledge is a key resource. Most importantly, it is assumed that this process of change is manageable. The literature on organisation theory agrees that there are three main causes or triggers for change<sup>460</sup>: 1) economic causes, 2) social causes and 3) technological causes. Some of the literature divides these triggers into external and internal pressures for change<sup>461</sup> - a concept which will also be employed in the framework which is to follow these elaborations. All these triggers are very production-oriented and mostly only suitable for private organisations, but as will be seen in the sections to come, they can be translated into different contexts. In the case of the EU point 3 can be disregarded, but a political trigger (particularly interdependence) would have to be added to this list. In the end it all boils down to creating advantages in changing environments. Whereas the established “competitive advantage” model proposed by Porter<sup>462</sup> postulates cost advantage and differentiation as leading explanations for the success or failure of some organisations, Starkey recognises the shift in paradigm by claiming that the rate of learning is probably the competitive advantage of today<sup>463</sup>.

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evaluations of actual versus planned performance. The fourth category, the reactors, are said to have no articulated strategy and are doomed to failure. Crowther and Green arrive at these categories by assuming that ‘organisations act and bring about change in order to create their environment’ that the path taken is the result of a strategic choice made by management and that the structure and process selected act as constraints on this strategy. (ibid., p. 182 ff.)

<sup>460</sup> Cf. Ibid., pp. 180-181; Hitt, Miller and Colella (2006), Chapter 14; Dawson (2003), Chapter 2.

Ad 1) One of the economic causes triggering change is that of “life-cycle forces” – pressures arising from the maturing of an organisation from the entrepreneurial stage to the elaboration stage. This is further supported by the general “size” argument. The impacts of globalisation, of course, are of eminent importance: change in markets, competition and fluctuations in demand – hence the growing international interdependence. Furthermore, the economic cycle of the world economy also influences change in organisations.

Ad 2) Social causes affecting change range from shifts in demographics to alterations in societal values. Another important aspect is the influence of the political arena on organisations. A shift in political dynamics – one extreme might be a coup – or the simple introduction (or removal) of government regulations, can have devastating effects on an organisation’s survival; correct and appropriate reaction is therefore essential. The effect of course does not necessarily need to be devastating; it could also have an enhancing effect. Events such as 9/11 can have lasting effects on any branch of industry. On a different level, changes in so-called “fashion” or “taste” should also not be underestimated.

Ad 3) The technological advances already referred to can have a major influence on any organisation, as these can make other products obsolete (e.g. slide-rule vs. pocket calculator), or can entail major advances in the production process.

<sup>461</sup> Cf. Hitt, Miller and Colella (2006)

<sup>462</sup> Cf. Porter (1990)

<sup>463</sup> For Starkey’s argument, cf. Starkey (1996), Chapter 17. His view is supported by Quinn who argues ‘the organisation of enterprises and effective corporate strategies increasingly depends more on the development and deployment of intellectual resources than on the management of physical assets’. (Pawlowsky (2001), p. 61)

It must be noted at this stage that the literature of management science is generally ignorant of the fact that in economic models the decision-makers are assumed to be rational, which is unfortunately not the case in the real world.<sup>464</sup> Whereas technologies and processes can be changed at will and without much adverse reaction, institutions and behaviour are much more complicated to change. Especially when it comes to human behaviour, this becomes more complicated as people see change as having a potential for risk or loss<sup>465</sup>. Taking this argument a step further, it is possible to maintain that people have three strategies to deal with change: they can resist it, follow it or even take up a leadership position<sup>466</sup>. The point of most interest to us here is to determine what can lead to resistance as this can be linked to a failure of learning. The first obvious cause of resistance is a lack of understanding of what change actually incorporates. Furthermore, interpretation of change is important, as the consequences may be subjectively interpreted differently, just as the need or the advantage/disadvantage of change can be interpreted differently. This may even be influenced by personal interest. Sometimes individuals or organisations consider the transaction costs incurred to implement change not worth the outcome – although this aspect naturally also comes down to different interpretations and to the advantages/disadvantages attributed to the change – (an argument that frequently came up in debates with respect to the 2004 enlargement of the EU)<sup>467</sup>. Finally, low tolerance to change should also be seen as a point of resistance. Failure to learn is to be considered a serious issue, as it can determine an organisation's survival, a significance the organisation might not be aware of.

The strength of the literature of management and innovation lies in its analysis of the motives and sources of learning. The argumentation pursued always reaches the conclusion that firms learn primarily in order to deal with uncertainty in the market, and that learning occurs throughout the overall activities of the firm, not only in its R&D departments. As management constantly focusses on increasing competitiveness, its focus is limited to outcomes and 'ignores or underestimates the problems and complexities in the process of learning'<sup>468</sup>.

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<sup>464</sup> Cf. Boerner, Macher and Teece *ibid.*, p. 91. March and Olsen point this out, by claiming that 'organisations are intendedly rational, they frequently act on incomplete or incorrect information and without being aware of all of their alternatives'. (March, Olsen and Christensen (1994), p. 54)

<sup>465</sup> Cf. Crowther and Green (2004), pp. 179-180

<sup>466</sup> *Ibid.*, pp. 179-180

<sup>467</sup> Cf. Schimmelfennig, Engert and Knobel (2003)

<sup>468</sup> Dodgson (1993), p. 390

This in-depth analysis of change at the micro-level of tangible goods might at first seem a little out of place, but even though the strategies employed to initiate change will differ when compared to governmental or IL, the parallels should be obvious to the attentive reader. The analysis has stressed the importance of learning and the danger to an organisation's survival if learning fails. It has high-lighted the fact that triggers can be externally and internally sourced and can have different origins. It will be the synthesis of these different approaches which will assist us in understanding the complex process of learning exhibited by the EU.

## **ii. Learning/Change in a political environment and policy context**

For the most part, learning in this environment is a political process in which "consensual knowledge" is applied by policymakers to change their policy projects'<sup>469</sup>. When examining government learning it should be noted that this is a very lengthy undertaking and a certain amount of time usually has to elapse after an event<sup>470</sup> before the effects can be evaluated and the process of learning can even be considered. This is due to the fact that the direct causal link between policy and policy outcome is not always apparent due to a policy's intangible nature. Therefore most analyses do not cover the latest developments in current political affairs. For this reason, while there is a considerable amount of literature on US government change after the Cold War<sup>471</sup> and policy change after crises like the Vietnam War or the Cuban Missile Crisis<sup>472</sup>, there is less on recent state-building policies by any government or institution. Examining only the case studies chosen in the literature referred to above, it is possible to maintain that for learning to take place a trigger is required – the trigger in these instances being a memorable event, such as a crisis or war or on-going threats which still remain unsolved and require international collaboration.

Learning and change in an international institution are as such quite similar to the processes in government learning. The major differences lie in the structure of international institutions. For learning to take place, flexibility, ownership and accountability are necessary as otherwise there is no grasp of the institutional processes which is a prerequisite for learning. But especially when it comes to accountability, the situation becomes very

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<sup>469</sup> Haas and Haas (1995), p. 259

<sup>470</sup> An event in this context can be anything from the introduction of a new law to a decision by the government affecting the country's situation within the international community (e.g. Germany's "no" to the Iraq war in 2002).

<sup>471</sup> Cf. Breslauer and Tetlock (1991), Haas and Haas (1995)

<sup>472</sup> Cf. Etheredge (1985)

complicated: to whom is the UN accountable? Or to whom is the EU accountable, considering that the presidency changes every 6 months? As soon as more than one stakeholder (e.g. the government) is involved, circumstances become very complex – and taking the example of the EU, at the moment there are 27 national governments involved. Hence an institution's 'capacity to solve institutional problems depends on the abilities to adapt the routines and rules to new framing conditions'<sup>473</sup>. These common rules might in the long term reduce transaction costs but the cost of implementation should not be underestimated. It stands to reason that very rigid rules might even hamper IL – an occurrence generally referred to as bureaucratic "inertia".

On a different note, national governments already have a difficult task in finding an appropriate nation on which to benchmark their policies; taking into consideration the singularly unique mandate of international organisations, this is even more difficult. Furthermore, learning constantly questions strategies and goals<sup>474</sup>, and this can become contradictory because of the institution's commitments to the mandate and repeatedly ratified charters whose revision or reform can take years, e.g. amendments to the EU treaties or reform of UN Security Council. Hassink and Lagendijk come to a similar conclusion: 'interregional institutional-learning is a far more difficult and complex process than, for instance, technological learning, because institutions are shaped by and embedded in slowly and incrementally changing sociocultural settings and because of geographical and cultural distances'<sup>475</sup>.

Learning is used as an explanatory variable to explain policy changes. Etheredge raises the important point that a number of policy makers, especially those in Washington, suppose that they already understand the developments in world politics quite well and 'believe no fundamental increase in intelligence [in the sense of an increase in knowledge through learning] is necessary or [...] possible'<sup>476</sup>. They are resistant to change or are ignorant<sup>477</sup> of the problem. This shows that governments tend to be reluctant to apply learning for similar reasons as those outlined in the section on managerial learning. Haas claims that the establishment of institutions concerned with policy or IL in itself already represents a form of learning.<sup>478</sup> In the case of the EU, this would be the Evaluation Unit within the

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<sup>473</sup> Becker Soest and Wink (2001), p. 305

<sup>474</sup> This is a characteristic of what is later referred to as „double-loop learning“.

<sup>475</sup> Hassink and Lagendijk (2001), p. 78

<sup>476</sup> Etheredge (1981), p. 90

<sup>477</sup> Whether this is a case of ignorance or ignorant ignorance is a different matter.

<sup>478</sup> Haas (1990), p. 54

Commission Directorate General Information Society and Media in particular. The aim of this Evaluation Unit is to support policy-making, to plan and manage external, independent evaluations, to promote coherence in self-assessment, and to foster a constructive dialogue between evaluators and operational units<sup>479</sup>. But the case study will draw attention to other means of IL by the EU – e.g. lesson-learned papers.

As the aim of this thesis is to analyse EU IL with respect to its state-building policy as part of the Common Foreign and Security Policy, its focus will mainly lie on how these policies have changed over time in order to detect IL. Knopf, for example, sees early scholars to have studied learning in relation to the advance of liberal values. He suggests that ‘the reason they wanted to study learning is to explore the possibilities for conflict reduction and multilateral cooperation, rather than to ascertain all the different lessons that state leaders actually draw from past experience’<sup>480</sup>. This may or may not be true; however the writer of this thesis would not be so naïve as to believe that any government or organisation would do anything if it did not benefit them in some way (or they are forced to do something out of dependency). This is particularly true if it reduces a threat to its national security, because the chance of a conflict nearby is reduced by its intervention. This thesis argues that the lessons are perhaps not given special emphasis, but one would hope that lessons will be drawn anyway because no government will want to “step into the same stream twice”.

### **iii. The Prerequisites**

The following framework will be used to analyse IL by the EU in its development of a state-building policy. Most of the learning will be pinpointed using the process tracing method – which was outlined in the Introduction. There are several key questions around which this framework focusses. The first concerns the issue what actually constitutes learning, and how individual learning differs from organisational – since IL as understood by this thesis is not that of individual EU employees or individual member-states but of the institution as a whole; the second elaborates “how learning is achieved?” and “what is learned?”. It is this “content” of learning and the question of “where the lessons are drawn from” which constitute the fundamental part of this framework, resulting in classifications of learning to be used throughout the rest of the thesis.

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<sup>479</sup> European Commission - DG Information Society and Media (2011)

<sup>480</sup> Knopf (2003), p. 189

### **a) Where does learning take place? - Individual vs. Organisational Learning**

One initial supposition may be advanced at this stage as it is common in nearly all of the literature, a conclusion formulated quite prosaically by Kolb in the words: 'there is a kind of fatalism about learning. One either learns or one doesn't.'<sup>481</sup> However, the literature is divided on the question of whether organisations can actually learn or not<sup>482</sup>. This question therefore touches the core of this thesis as it aims to show that the EU is in fact a learning organisation. Marshall, as quoted by Boerner et al., suggests that 'only individuals possess the ability to create knowledge. However, organisations provide a context within which individual learning takes place'<sup>483</sup>. These studies focussing on the psychological aspect of learning are actually concerned with an aspect of learning which is not the focus of this thesis as their methodology does not correlate with the theoretical assumptions which underlie this research and are heavily concerned with the individual. The essential factor here is therefore one of communal learning, of the way in which an organisation as a whole learns or fails to learn<sup>484</sup>. Fiol and Lyles on the other hand argue that organisational learning is NOT just the sum of individual learning<sup>485</sup> and that hence learning has to take place within the organisation as an institution. This statement can only be stressed in its significance, as it is the institutionalisation of learning which is the focus of this thesis.

The question which lies at the root of the debate concerning organisational learning refers to the level on which learning takes place. It can take place on the level of the individual, the group, the organisation or inter-organisationally. In the literature, the term organisational learning is often misused to describe individual learning<sup>486</sup>. Hedberg picks up on this issue and poses the question of whether organisational learning occurs through the individual – he suggests 'not only'<sup>487</sup>. Jachtenfuchs opposes this view, as he sees learning only to take place at the individual level, because 'the processes and mechanisms of learning can only be attributed to the individual. Learning is not only the learning of an

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<sup>481</sup> Starkey (1996), p. 270

<sup>482</sup> Lovell and Levy argue that organisations learn 'to the extent that policy experiences become assimilated into organizational doctrine, structures, decision-making procedures, personnel systems, and organizational commitments'. They also acknowledge that not all organisational change derives from learning. The question of when learning is achieved will be further elaborated in detail in later parts of the chapter. (Cf. Levy and Lovell as referred to in Levy (1994), p. 288)

<sup>483</sup> Boerner, Macher and Teece (2001), p. 89

<sup>484</sup> This thesis acknowledges that in some instances an individual at the top of an institution might have learned something, and by top-down directive orders his/her subordinates to change their behaviour accordingly. While this may also bring about change, "learning" would only be acquired if such a change were to become institutionalised, which can seldom be achieved by isolated top-down directives.

<sup>485</sup> Fiol and Lyles (1985), p. 804

<sup>486</sup> Crossan, Lane, White and Djurfeldt (1995), p. 339 and Dodgson (1993), p. 378

<sup>487</sup> Hedberg as quoted in Crossan, Lane, White and Djurfeldt (1995), p. 345

individual, but it is also an individual process.<sup>488</sup> Argyris is aware of this paradox<sup>489</sup>. He agrees that most scientists attribute the characteristics of thinking, learning, reason and holding of an opinion only to an individual and not to an organisation. As an example to demonstrate that organisational learning is possible, he advances the case of computer language where individuals begin to adopt computer terminology and hence to attribute the above characteristics to things/organisations.<sup>490</sup> Jachtenfuchs sees the only way to construct any sort of understanding of how learning can occur on the organisational level by introducing the concept of “institutional memory”, ‘which makes the knowledge of an organization available to all its members, present or future’<sup>491</sup>. This is definitely an interesting argument, but the storing of knowledge (though necessary to learn from past experiences) does not constitute learning itself. If the departure of an individual leads the organisation to lose knowledge and forget what was previously learned, then this organisation certainly would not classify as a learning organisation. It is therefore important to point out that “lesson-drawing” is a learning process, whereas the “lessons” themselves are a learning product<sup>492</sup>. Crossan et al. are therefore correct in underlining that there must be ‘some shared understanding or transfer of knowledge from the individual to the broader community and eventually to the formal organisation before it can be considered organisational learning’<sup>493</sup>. This can be achieved if learning is embedded in the design of the systems, structures and procedures of the organisation.<sup>494</sup> Despite this institutionalisation of learning in the system, Argyris and Schön point out that often, if a mistake becomes too big to admit, an organisation may continue a strategy despite the fact that its members are well aware that the strategy is insufficient.<sup>495</sup> It is the general “standing” of the individual with respect to the organisation which seems to hold the answer to this question. Crossan et al. state that ‘if one views the organisation as the sum of its members’, then organisational learning is bound to be an individual-based phenomenon; whereas ‘if one believes that once

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<sup>488</sup> Jachtenfuchs (1996), p. 36

<sup>489</sup> Cf. Argyris and Schön (1996), pp. 4-5

<sup>490</sup> Ibid., p. 5. An example of this “computer language” would be phrases such as ‘This is my default option.’ Or ‘I’m not programmed for this task.’ (Ibid.)

<sup>491</sup> Jachtenfuchs (1996), p. 37. He describes this institutional memory to be made of procedures, legal rules, informal norms, archives, habits, etc. Carnall is very concerned about the loss of knowledge once an individual leaves the organisation; he therefore places great emphasis on the change of procedures to lock individual knowledge into the organisation; which is certainly an important point to consider. (Carnall (2003), pp. 159-160)

<sup>492</sup> Cf. Argyris and Schön (1996), p. 3

<sup>493</sup> Crossan, Lane, White and Djurfeldt (1995), p. 347

<sup>494</sup> Cf. Ibid., p. 347

<sup>495</sup> Cf. Argyris and Schön (1996), p.7 Some critics might suggest that this frequently takes place with respect to policies, and the party which suggested/implemented this policy will not reverse it – even though its failure is obvious - but due to pride and competition between parties for votes refuses to change it.

brought together and integrated, the organisation becomes more than the sum of individual members (even though learning resides in the individual)<sup>496</sup>, then organisation learning is group based. This thesis therefore agrees with Argyris, that while organisations do not perform the actions that produce learning, it is individuals acting as agents of the organisation who produce the learning products<sup>497</sup> and one could therefore speak of institutionalised learning processes. Argyris and Schön support this indication by emphasising that ‘before an organisation can be anything else, it must be “political”, because it is as a political entity that the collectivity can take organisational action’<sup>498</sup>; it hence has to become a “polis”.

Etheredge raises an important point when he questions what a government should learn and what it should not learn from a normative perspective<sup>499</sup>. One of the answers he provides poses somewhat of a challenge to the state, when he remarks that by employing the aid of democratic theory, ‘the most effective guarantee of the freedom of the people has been the inability of the government to learn about much of what is going on’<sup>500</sup>. He continues in a very critical manner by maintaining that the incentive structures for government officials do not support learning as ‘most administrations probably receive more highly salient rewards (e.g. election victories) from good press relations than from time spent designing intelligent, long-range learning programs that will pay off far in the future’<sup>501</sup>. The subject of incentives for governments to learn is indeed a very important issue. As we have seen in the previous section, some change is resisted due to high transaction costs. Might this point be just as valid for government learning? Sadly, texts like that of Etheredge do not provide an answer to this question, as they shift the debate to the level of the individual, which is not the level under consideration here. Levy is also unable to answer the question; he therefore suggests that not only is learning not necessary for policy change, it is also not sufficient<sup>502</sup>. Instead he similarly draws attention to the decision-maker – i.e. to individuals – who ‘may learn from experience but be prevented by domestic, economic, or bureaucratic constraints from implementing their preferred policies based on what they have learned’. This means

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<sup>496</sup> Crossan, Lane, White and Djurfeldt (1995), p. 343

<sup>497</sup> Cf. Argyris (1992), p. 8

<sup>498</sup> Argyris and Schön (1996), p. 9

<sup>499</sup> Cf. Etheredge (1981), p. 86

<sup>500</sup> Ibid., p. 87. This is a very extreme view; in this context, attention should be paid to the year in which he published this Chapter. After 2001, the US Government in particular was to strongly oppose this statement – even though it may well be true.

<sup>501</sup> Cf. Ibid., p. 99

<sup>502</sup> Levy (1994), p. 290



nothing more than that the individual decision-maker is prevented by the institutional framework from making use of any learning which may have taken place. Can an organisation of this type be described as a “learning organisation”? It would appear not.

## b) What constitutes learning? What causes it?

Hitt et al. provide a simple introduction to the concept of learning. They define it as a ‘process through which individuals change their behaviour based on positive or negative experiences in a situation’<sup>503</sup>. This definition is clearly not complete, but it raises the important point that in general it may be assumed that learning results in ‘positive consequences even though the outcomes of learning may be negative’<sup>504</sup>. The main concern in the literature on learning is whether behavioural change occurs because the organisation acquires knowledge and experience<sup>505</sup>. How is this knowledge acquired and transferred? Figure 4.1 by Starkey shows the process of acquiring knowledge and implementing this new knowledge nicely.

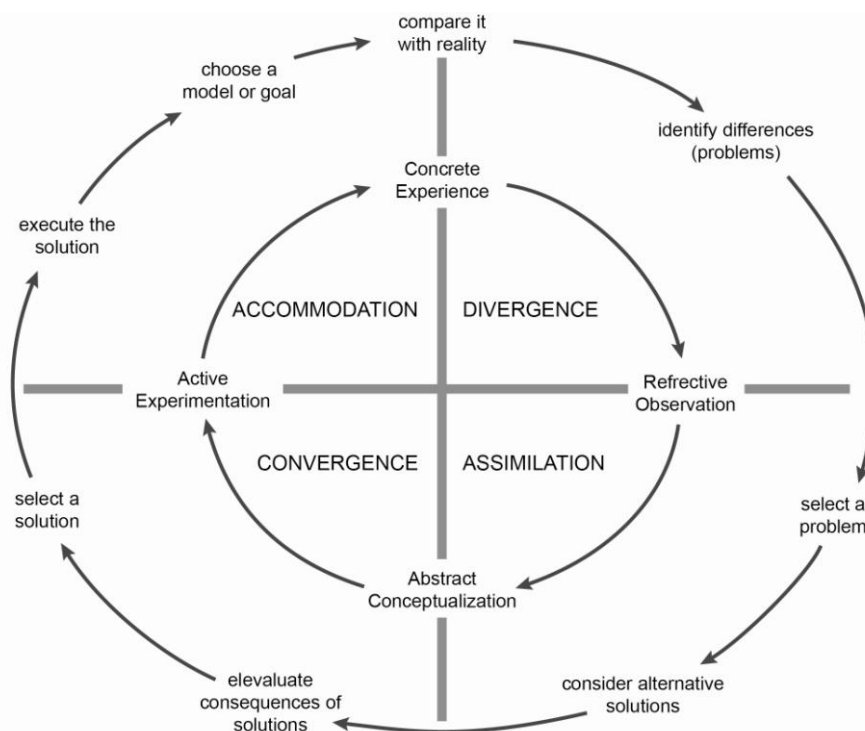


Figure 4.01 **Comparison of the experimental learning model with a typical model of the problem-solving process**<sup>506</sup>

<sup>503</sup> Cf. Hitt, Miller and Colella (2006), p. 121 (box)

<sup>504</sup> Dodgson (1993), p. 377. Crossan, Lane, White and Djurfeldt (1995) even go as far as to state that learning is often used synonymously for improved performance. (p. 353)

<sup>505</sup> Cf. Argote (1999), p. 16

<sup>506</sup> Figure as depicted in Starkey (1996), p. 279

The visualisation also demonstrates adequately the continuous process which is required. Starkey leads us to the question of the substance of learning. There are two main classifications used, which have been named differently. Nye<sup>507</sup> distinguishes between “simple” and “complex” learning, while Hedberg<sup>508</sup> refers to “normal” and “meta-level” learning and Haas<sup>509</sup> simply opposes “adaptation” and “learning”. The two classifications which this thesis refers to are Argyris and Schön’s<sup>510</sup> “single-loop” and “double-loop” learning.

A crucial factor is addressed by Levy who claims that some authors ‘equate learning with policy change’<sup>511</sup>, and in this he is correct. But, and this is the reason why “change” has been dealt with in the previous section, while learning may not require policy change, policy change needs learning. Summarising the earlier statements in this thesis, it can be agreed that all learning processes seem to be interactive and with respect to content, rate and direction are influenced by the institutional set-up of the environment in which they take place<sup>512</sup>. Learning therefore is directional. It has been demonstrated that for learning to take place, the process must be initiated and knowledge must be transferred and kept within the organisation. This process is only possible if the ‘methodology is sufficiently adaptive to allow learning to be applied and made tangible, almost immediately’<sup>513</sup>. The literature also supplies alternative ways of drawing a lesson – besides learning – which should not be ignored, as they are also frequently used (cf. Table 4.1).

1. copying	Enacting without any changes a program already in effect in another jurisdiction.
2. adaptation/ Emulation	Adjusting for contextual differences a program already in effect in another jurisdiction.
3. hybridisation	Combining elements of programs from two different places
4. synthesis	Combining familiar elements from programs in a number of different places to create a new program
5. inspiration	Using programs elsewhere as an intellectual stimulus to develop a novel program.

Table 4.1 **Alternative ways of drawing a lesson**<sup>514</sup>

<sup>507</sup> Nye (1987)

<sup>508</sup> Hedberg (1981) quoted by Jachtenfuchs (1996)

<sup>509</sup> Haas (1990)

<sup>510</sup> Argyris (2004), Argyris and Schön (1996), they also introduce the term “deutero-learning”, which is a further evolution of double-loop learning, but this is of no significance for this thesis.

<sup>511</sup> Levy (1994), p. 282

<sup>512</sup> Cf. Lundvall (1992), p. 23

<sup>513</sup> Gaventa and Blauert (2000), p. 237

<sup>514</sup> Adaptation of Table 2.1 from Rose (1993), p. 30 and Dolowitz and Marsh (1996), p. 351. The point “adaptation” will be analysed in greater detail in conjunction with the review of the work by Haas (1990) in the following part of this Chapter.

But what does this learning process itself actually incorporate? Since the thesis decided to use Argyris and Schön's terminology, the following section on single-loop and double-loop learning should provide some answers to this question.

### Single-loop and Double-loop learning

Argyris and Schön define single-loop learning as the process of 'instrumental learning that changes strategies of action or assumptions underlying strategies in ways that leave the values of a theory of action unchanged'<sup>515</sup>. This stage of learning occurs 'whenever an error is detected and corrected without questioning or altering the underlying values of the system (be it individual, group, intergroup, organisational or inter-organisations)'<sup>516</sup>.

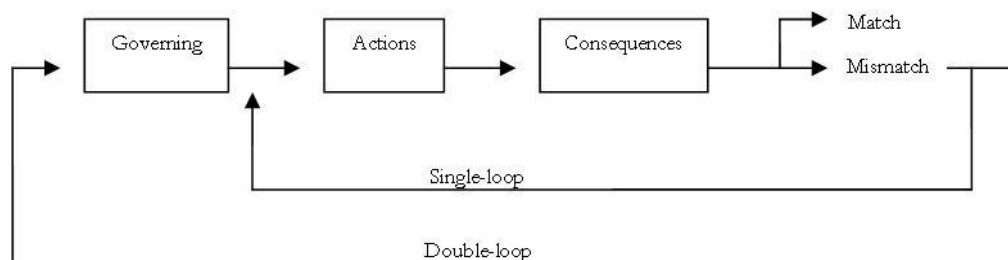


Figure 4.02 Single-Loop and Double-Loop Learning Cycles<sup>517</sup>

The learning cycle as understood by Argyris and Schön (Figure 4.2.) indirectly addresses the question of “what causes learning”: single-loop learning occurs ‘when matches are created, or when mismatches are corrected by changing actions’<sup>518</sup>. It is appropriate for routine or repetitive issues. Single-loop learning simply concerns the detection of mistakes and the correction of each specific error. Double-loop learning is therefore an extension of the process. Argyris defines “double-loop” learning as ‘the detection and correction of errors where the correction requires changes not only in action strategies but also in the values that govern the theory-in-use’<sup>519</sup>. This means, as shown in Figure 3.3, that in double-loop learning the governing variables (e.g. assumptions or strategies) are also adjusted when mistakes are corrected, hence it ‘questions the status quo’<sup>520</sup>. That is to say for institutions to learn, it is important not only to correct the mistakes made, but they must also question the present assumptions and routines in order to ensure continuous improvement.

<sup>515</sup> Argyris and Schön (1996), p. 20

<sup>516</sup> Argyris (1992), p. 8. Argyris defines an error simply as a discrepancy between planned and actual outcome, without attaching any intention or undertone to it. (Cf. Bloch and Borges (2003), p. 279)

<sup>517</sup> Argyris (1992), p. 8

<sup>518</sup> Ibid., pp. 8-9

<sup>519</sup> Argyris (2004), p. 10

<sup>520</sup> Ibid., p. 10

These two concepts are not unknown to the EU as an early 1997 evaluation guide<sup>521</sup> also made the distinction between single- and double-loop learning. Disappointingly, learning of any form is only referenced in the terminology section and the two concepts of learning are only linked to the feedback element. This thesis considers single-loop learning to be “inferior and incomplete”; for this reason, any reference to IL (except when otherwise stated) is made in the context of double-loop learning.

### **c) When is learning achieved?**

Argyris begins with the logical conclusion that learning is achieved when an ‘organisation achieves what it intended’<sup>522</sup>. He continues by stating that learning is said to have occurred when a ‘mismatch between intentions and outcomes is identified and it is corrected; that is, a mismatch is turned into a match’<sup>523</sup>. Therefore the concept of double-loop learning proposed by Argyris and Schön is considered to exert lasting effects on the behaviour of an institution in the future, since it does not only rectify the discrepancy between planned and actual result, but evaluates the assumptions of the strategy and calls them into question to further enhance the process. For the analysis part of this thesis, this implies that the policy papers will be analysed with respect to their effect on the ground and in relation to previous policies to discover whether the updated policies have improved and (if possible) why. On a last note, Hatch and Cunliffe’s warning should be clearly acknowledged: namely that it is difficult to know when organisational success (as in learning) has occurred because the indicators of success are constantly modified (moving target) and levels of aspiration towards particular indicators also shift over time.<sup>524</sup> For the purpose of the analysis, learning will be considered to have been “achieved” whenever both loops, the detection of a mismatch and its subsequent correction as well as the revision of the underlying assumptions (the double-loop) have been successfully completed. As the thesis deals with an on-going engagement in the country in question, and the full effects of many policies are frequently long-term, it is not always possible to draw conclusions in absolute terms, but since the scenario more closely resembles a “moving target” scenario, a relative approach has had to be chosen at times.

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<sup>521</sup> European Commission - Budgetary overview and evaluation DG XIX (1997)

<sup>522</sup> Argyris (1992), p. 8

<sup>523</sup> Ibid., p. 8 To answer the question of whether this is achieved, Crossan et al. refer back to psychology. They state that for cognitive theorists learning occurs ‘if there is a change in thought processes (unobservable), even in the absence of adjusted behaviour (observable)’, and for behaviourists learning occurs, ‘if there is a noticeable change in behaviour, even if not preceded by a change in thinking to motivate the new behaviour’. Crossan, Lane, White and Djurfeldt (1995), p. 348

<sup>524</sup> Cf. Hatch and Cunliffe (2006), p. 321

#### d) What constitutes institutional-learning? (working definition)

It is important to note that the writer of this thesis is of the opinion that *institutional-learning* is desirable. The IL by the EU which is relevant to this thesis takes the form of “*organisational learning*” (in the technical sense of establishing relevant institutional bodies or extending competencies of existing bodies) – and “*policy learning*”, which incorporates the inclusion of new policy areas or new policy content (as in keeping up or in line with) academic debate in these fields. These content-oriented types of policy learning are mainly found in the EU strategy papers or Council Conclusions. Throughout the further course of this thesis, ***institutional-learning is characterised as the desire to enhance an organisation’s performance by the acquisition and evaluation of new consensual knowledge, hence leading to an elimination of mistakes and a continuous questioning of the status quo. It is desirable that this institutional-learning is then institutionalised in the institutional framework of the organisation.*** Since this thesis’s understanding of IL includes the institutionalisation of learning in the institutional framework of the organisation, this must be considered as implying double-loop learning. This form of learning can be initiated by members of the epistemic community or by people involved in the process and able to have recourse to the consensual knowledge required. It can be achieved by obtaining new and relevant information or by re-interpreting results due to shifts in norms and values. IL is considered critical for the survival of the institution, as only through IL is appreciation of the goals of the institution ensured.

Any classification of IL is closely related with the substance of learning and with where the lessons are drawn from. Dolowitz and Marsh specify eight points: Policy goals, Policy content, Policy instruments, Policy programs, Institutions, Ideologies, Ideas and attitudes, Negative lessons<sup>525</sup>. They remark that ‘most public policy borrowing appears to involve administrative techniques,...rather than a change of policy direction’<sup>526</sup>. The forthcoming analysis is certain to draw on several of these.

In his analysis of what makes governments redirect their foreign policies, Hermann suggests that governments are not only driven by the source which initiates the change, but also by the redefinition of the problem or a new understanding of that relationship between the government and the policymakers’ policies<sup>527</sup>. He labels these four different degrees of

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<sup>525</sup> Dolowitz and Marsh (2000), p.12

<sup>526</sup> Dolowitz and Marsh (1996), p. 350

<sup>527</sup> Cf. Hermann (1990), p. 11

change as: 1) leader driven; 2) bureaucratic advocacy; 3) domestic restructuring; and 4) external shock<sup>528</sup>. These four degrees show remarkable similarity to the triggers of change in the management science literature. This alone justifies the analysis of management literature at the beginning of this chapter. His assumption that ‘if one assumes that the redirection of foreign policy must result from explicit decisions to change course, then a shared task for each theoretical perspective is to determine how information about failure or potential failure enters the decision system and under what conditions it actually triggers major change’<sup>529</sup> is shared by this thesis. The following adapted figure (Figure 4.3) shows the relationship seen to exist between decision making and learning.

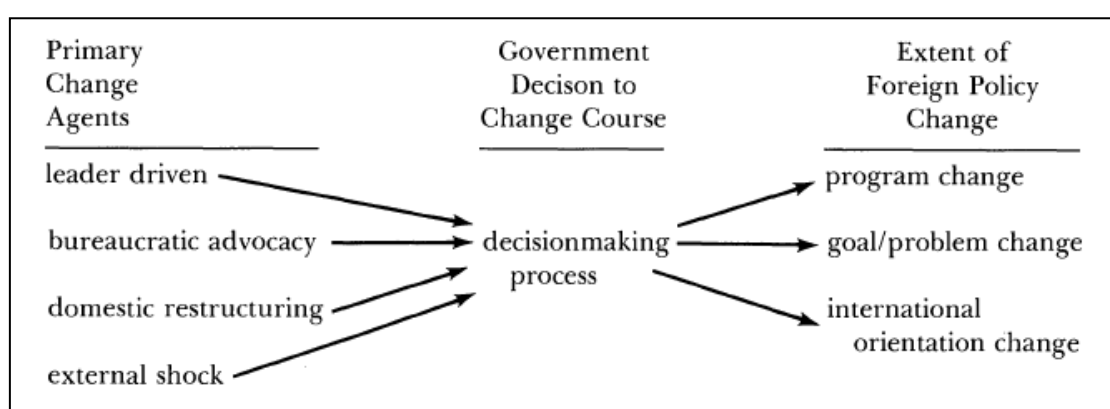


Figure 4.03 The mediating role of decision processes between change agents and degree of policy change<sup>530</sup>

Hermann furthermore identifies four levels of change<sup>531</sup>: program change, problem/goal change and international orientation change. Incorporating the terminology of Argyris, the first level can be considered a single-loop learning process, whereas the other two policy redirections can be considered double-loop learning processes. It should be added that many modern public learning approaches (while still drawing on the models advanced by Rose and Dolowitz and Marsh)<sup>532</sup> place more emphasis on participatory learning<sup>533</sup>, but this thesis will not extend into this area as it would over-diversify the course of research.

<sup>528</sup> Ibid., p. 3

<sup>529</sup> Ibid., p. 13

<sup>530</sup> Figure as depicted in *ibid.*, p. 13

<sup>531</sup> Ibid., pp. 5-6

<sup>532</sup> It should be noted here, as can be seen from the references quoted, that much research still remains to be covered and that - as the literature concentrates on just these two main concepts - constant reference to them can be found.

<sup>533</sup> Cf. For example Gaventa and Blauert (2000). An attempt by governments and institutions to include participatory approaches in government processes can be found in: Thompson (1995)

After having now established the process of learning and when learning is achieved, the following section will introduce the categories of IL and adaptation as used in the following analysis of EU policy change in this thesis.

### ***F. Institutional-learning Framework and Policy Change***

While the aim of this thesis is to analyse IL by the European Union in its state-building policies, the “institutional-learning Framework” (IL Framework) on which the following analysis is based also allows for and incorporates other elements which might have influenced policy change by the EU – besides that of IL itself. This inclusion should prevent any contentions of *post hoc ergo propter hoc* argumentation or “logical fallacy”, in the sense that one occurrence follows another and therefore the resulting occurrence must necessarily have been caused by the first, or that because the thesis sets out to find evidence of IL it is bound to find it.

Policy change occurs for numerous reasons and in a complex environment. Change does not occur in a vacuum and the more actors that are involved in the policy the more difficult it may be to change it. The different triggers initiating a policy change are sometimes difficult to distinguish, and in some instances it may be more than one influential trigger. Triggers are also not mutually exclusive. In some instances it may not be possible to prioritise which trigger is the “strongest” or most influential. What may be said with any sense of certainty is that the force of these triggers must have been strong enough for the actor to act upon them; change is not always simple to initiate without being faced with opposition (to different degrees).

Goldmann<sup>534</sup> lists three dimensions influencing the extent to which a country’s foreign policy is likely to change, dimensions which nicely summarise the triggers and incentives for governments to change and which can with little hesitation be translated into an EU setting:

- 1) ‘The degree of institutionalisation, or roughly the extent to which the government has become committed to the policy.
- 2) The degree of support, or roughly the extent to which the various actors in domestic politics support, are indifferent to, or oppose the policy.
- 3) The degree of salience or roughly the significance of the issue in the domestic power struggle.’

The actors involved in this vary from elected officials, political parties, bureaucrats and civil servants, pressure groups, policy entrepreneurs and experts to supra-national institutions<sup>535</sup>.

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<sup>534</sup> Goldmann (1988), p. 44

When Etheredge introduces his overview of government learning he first analyses executive-branch learning as a ‘self-reflective study for the professional social scientist’<sup>536</sup>. For him, learning has to take place on a presidential or high government official level, but this restriction is questionable. In most cases it can be agreed in the words of Etheredge that: ‘learning by government [sic] is often a function of current active political conflict’<sup>537</sup>. This conflict can be internally based or may be ignited by external factors, which in turn trigger the government to change course. Therefore Levy is correct in stating that ‘the relationship between politics and learning is usually reciprocal rather than unidirectional’<sup>538</sup>. The policy change with which this thesis is concerned is planned change, not policy change which occurs accidentally, as such accidental changes are unlikely to have been affected by IL and the origin of such changes will be difficult to trace to the accidental source. Policies, as understood in this thesis, consist of a range of actions (and inactions), taking the form of laws, treaties, policy statements, programmes, statements of principle, and processes.

It has been established that the European Union as such represents a unique form of policy-making system, since its problem-solving mechanism is characterised by consensus and the decision-making process takes place in an international political environment. As a result, one can detect a conflict between obtaining the most effective policy and the most consensual policy<sup>539</sup>. A multi-level organisation like the EU is particularly prone to “garbage-can” politics which derive from political activities and effects on different levels (national and EU) and in different institutional bodies. The unique structure of the EU therefore invites lobbying by state and non-state interest groups, and the policy window is therefore relatively small. In the EU, ‘the policy agenda is formally the preserve of the supranational, non-party European Commission. This body is granted the sole right of [policy] initiation’<sup>540</sup>.

Several frameworks were considered as a basis for analysis in this thesis – but none seemed to fit properly. Adapting the Organisational Behaviour Model (Model II) developed by Allison<sup>541</sup> provides a detailed description of the problem at hand, while allowing for

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<sup>535</sup> Dolowitz and Marsh (1996), p. 345

<sup>536</sup> Etheredge (1981), p. 74

<sup>537</sup> Ibid., p. 135

<sup>538</sup> Levy (1994), p. 302

<sup>539</sup> A clear indicator for why the RCt was rejected at the beginning of this chapter.

<sup>540</sup> Hague and Harrop (2007); p. 379. For the corresponding provisions in the treaty cf. Treaty of Lisbon (TEU, Art 17) European Union (2008)

<sup>541</sup> Allison and Zelikow (1999)



bounded rationality and taking the analysis away from the individual decision maker (state leader), which was also one of the main reasons for ruling out Model I (the Rational Actor Model). Model II supports the notion of IL (although Allison refers to organisations, this distinction may be ignored at this stage). Allison even notes that ‘organisations do change. Learning occurs gradually, over time’<sup>542</sup>. Another element in favour of this model is that Allison is not concerned with ‘named individuals or entire governments; rather the subjects in Model II explanations are organisations, and their behaviour is explained in terms of organisational purposes and practices’<sup>543</sup>. On the other hand, Model II was developed for a very specific case (the Cuban Missile Crisis) and in a very different setting (Cold War), and is therefore prone to a very “black and white” approach. It furthermore deals with a limited time-span of 13 days, whereas this thesis considers a much longer time-frame (for the Afghanistan case study alone, it covers 9 years). Additionally, as Bendor and Hammond have pointed out in their criticism of the Allison Models, Model II suggests that ‘simple rules, or *standard operating procedures*, sharply limit and constrain *behaviour*, that is, that simple rules generate simple, predictable behaviour’<sup>544</sup> and it is doubtful whether any scholar of EU policies would describe them as “simple” or “predictable”.

Using Model II, an adaption of the organisational behaviour paradigm<sup>545</sup> would be similar to the following:

- 1) Basic Unit of Analysis: Government Action as Organisational Output:  
This is the European Union’s state-building policy.
- 2) Organisational Concepts:
  - a. Organisational actors: the EU as an entity is considered as one singular actor.
  - b. Factored Problems and Fractionated Power: while the EU is considered as an entity, the thesis is fully aware of the incumbent power struggles within it, in particular struggles between the Commission and the Council. Additionally, the differing national interests and bargaining powers of the Member States are recognised.
  - c. Organisational Mission: the mission of the EU is clearly stated in its treaties and its official communications; these form the basis for tracking any policy changes.
- 3) Action as Organisation Output:
  - a. The EU has a very distinct set of rules of procedure for making decisions or implementing programmes.

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<sup>542</sup> Ibid., p. 144

<sup>543</sup> Ibid., p. 144

<sup>544</sup> Bendor and Hammond (1992), p. 309 (emphasis as in original)

<sup>545</sup> Cf. Allison and Zelikow (1999), pp. 163-185

- b. As the EU has evolved as an institution, so has its search to assimilate differing circumstances (e.g. the shift from a Cold War to a Post-Cold War setting); it has had to contend with changes in its self-perception, which has also led to an evolution in its policies.
- 4) Decision of leaders: the EU in particular is prone to shifts in emphasis occurring due to change in national governments and to different emphases placed by different Commissions – in this context, it is worthwhile recalling the controversy surrounding the Prodi Commission.
- 5) Existing Organised Capabilities Influence Institution's Choice:
  - a. The existence of certain departments and capacities (or lack thereof) to implement certain actions increases the probability that a specific action will be chosen.
  - b. Differing priorities – as communicated in the reformed treaties – leads to the emphasising of certain goals over others. Sometimes goals may be conflicting, as analysis will show with respect to economic goals over liberal and human rights.
- 6) Implementation:
  - a. Activities following previously implemented programmes are not to be considered as far-sighted and flexible adaptation to “the issue at hand”. Details and nuances can easily be determined by organisational routines and not by a specific direction taken.
  - b. Decision makers (leaders) neglect calculations of administrative feasibility – there is a tendency to fall back on blueprints to deal with situations arising.
  - c. Flexibility to change may be limited by constraints such as budget limitations or organisational priorities. The implementation of new programmes exerts more pressure on an institution's operations than the adaptation of an established programme.

While Model II cannot be operationalised for analysis in this thesis, it has nevertheless provided a clear and structured overview of the problem at hand and in particular the constraints of the actor (EU).

### **i. The Framework**

Instead of Allison's model, a more simplified but more tailored and purpose-driven framework will be used in the analysis of the policies and to guide fieldwork. The Framework used is depicted in Figure 4.4.

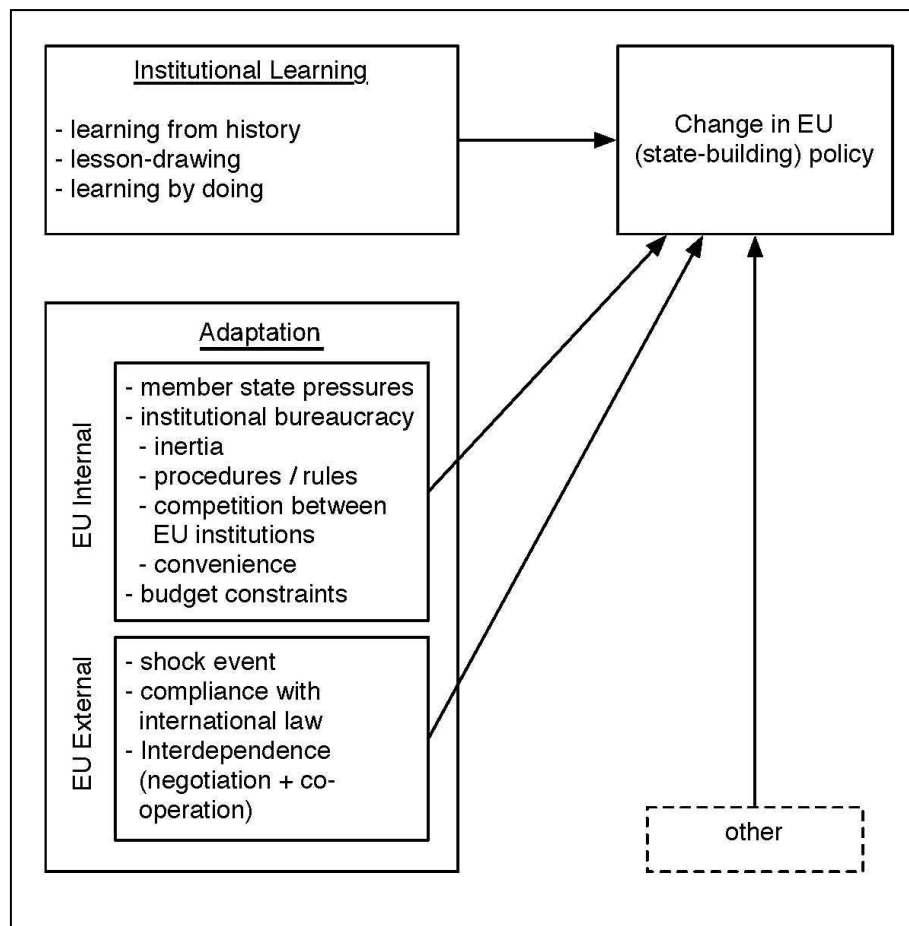


Figure 4.04 Institutional-learning Framework

The diagram emphasises the fact that changes in (EU state-building) policies can be influenced by two main elements: IL and adaptation. Each category has several sub-categories. IL is divided into three different forms of how learning occurs or from what sources lessons may be drawn: lessons from history, lesson-drawing and learning by doing. Adaptation is divided into two main blocks: EU internal pressures and pressures external to the EU. EU internal pressures account for changes due to Member-State pressure, pressures from institutional bureaucracy (inertia is included to account for any lack of change due to bureaucratic pressure) and budget constraints. The pressures external to the EU can take the form of a shock event or may be due to obligations to comply with international law or interdependence. In this setting, policy change is the dependent variable, as any policy change depends on IL and Adaptation (or other). Only intentional (planned) changes in policy can be accounted for in this setting. In conjunction with this framework, the main questions governing the analysis are as follows:

- Is it institutional-learning?
- What kind of institutional-learning is present and from what sources are the lessons drawn?

- Is the change in policy due to adaptation?
- Is the adaptation pressure situated within the EU or outside?
- Which adaptive element accounts for the change in policy (with possible reasons)?

These questions will guide the analysis in the form of a decision tree. Thus, for each noted event of change, the above questions will be posed succinctly in the analysis section in order to determine which category is present. In other words, the framework will be applied whenever the question of IL/adaptation arises. Converting this framework into a matrix thus provides us with the following Table:

	Institutional-learning			Adaptation		Other
	Lesson from history	Lesson-drawing	Learning by doing	EU internal pressure	Pressure external to EU	
EU action/policy						

The following section will deal in detail with the IL classifications and adaptation. The IL triggers (a-c) develop endogenously in the institution and in contrast to adaptation (d) result in a change in the belief-system (double-loop learning).

#### a) Lessons from History

Do lessons from history influence political leaders in their decisions? Levy suggests that some influential American foreign policy decisions were based on lessons from the past, in an attempt to avoid failures from the past; such lessons were “lessons of Munich”, “lessons of Korea” and “lessons of Vietnam”<sup>546</sup>. Why then did the US still insist on invading Vietnam (which was later agreed to have been disastrous) and then engage in the invasion and occupation of Iraq since 2003 (which is already being considered a disaster by many academics and policymakers alike)? Fear therefore claims that learning from history either does not take place, or if it does, that the knowledge gained is rarely a guide for state action<sup>547</sup>. Levy rejects this claim by propounding that ‘policymakers reconsider their goals and objectives only after repeated strategic failures’<sup>548</sup>. Speaking in terms of a learning curve, one would therefore have to assume that this is very shallow in the case of governments. But why should this be so? Or might the general perception of when or whether learning has taken place need adjustment? Are there maybe only certain instances in which lessons are drawn from the past? Possibly the analysis will shed light on these questions.

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<sup>546</sup> Levy (1994)

<sup>547</sup> Cf. Fear (2001)

<sup>548</sup> Levy (1994), p. 286

Often, “learning from history” is equated with “learning by failure”; cases which involve policy failure are useful to consider ‘since failure serves as a trigger for considering policy redesign and as a potential occasion for policy learning’<sup>549</sup>. It is the dissatisfaction with the outcome which serves as a stimulus to explore alternative policies: most importantly it can ‘stimulate a reconsideration of the existing dominant causal reasoning about policy’<sup>550</sup>. Learning from success is less frequent, but could supply a basis by allowing the tracing of conditions necessary for policy success. History lessons – particularly the negative ones – are often drawn from previous dealings with unexpected crises, either crises threatening the viability of the organisation itself or external events<sup>551</sup>. Rose argues that ‘lessons are different from the analogies that constitute the uses and abuses of history’; he continues by indicating that ‘lessons must identify circumstances that are different as well as those that are the same’<sup>552</sup>. But the main reason for policymakers to revert to lessons of experience ‘reflects their concern with feasibility’<sup>553</sup>. Policymakers assume that this will reduce the possibility of policy failure. By drawing on lessons from the past, policymakers also have the opportunity not only to learn what has worked, but also what has not. Dolowitz and Marsh claim that ‘only when routines stop providing “solutions” is it necessary to search for lessons’<sup>554</sup>. This thesis claims that “lessons from history” are important and can be useful tools in ameliorating policies, but the circumstances and conditions of the situation, with respect to the two policies to be compared, must be compatible.

In an ex ante evaluation paper<sup>555</sup> the EU identifies “lessons from the past” as a source of EU learning; the guiding principle they imply in this context is one of ‘don’t repeat old mistakes, make new ones!’ The paper admits that most programme proposals follow on from existing programmes; hence the need not to repeat previous failures, particularly with respect to relevance, effectiveness and any other problems encountered.

*“Learning from history” as understood by this thesis is very similar to “learning through failure” as previous policy failures provide the trigger for an evaluation of the causal reasoning behind the policy; by thus questioning these failures, alternative strategies are devised, leading to institutional-learning.*

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<sup>549</sup> May (1992), p. 341

<sup>550</sup> Ibid.

<sup>551</sup> Cf. Rerup (2009)

<sup>552</sup> Rose (1991), p. 9

<sup>553</sup> Ibid., p. 5. The concern for feasibility also incorporates the threat of free-riders; meaning that some countries might not want to “waste” resources on a certain problem and profit from another countries’ efforts. (Cf. Ibid, p. 19)

<sup>554</sup> Dolowitz and Marsh (1996), p. 346

<sup>555</sup> European Commission - DG Budget (2001)

## b) Learning by doing

Learning by doing is sometimes also called “experimental learning”; it is often achieved by group or trial-and-error discussions<sup>556</sup>. Institutional “learning by doing” is – of course – very akin to learning processes conducted by an individual and constitutes probably the most pragmatic and *a posteriori* form of learning experienced within systems of education. As such, it is the form of learning generally analysed most by educational psychologists. This type of learning tends to be less intentional and less systematic than the other two types of learning discussed here<sup>557</sup>. It is greatly enhanced by the availability and analysis of feedback. Huber rightly states that organisational learning is facilitated by the increase in accuracy of feedback about cause-effect relationships determining institutional actions and outcomes. Learning by doing mainly occurs while the action is still being carried out. There are no benchmark points as such with which to compare it – other institutions’ policies constitute analogies to be drawn on from previous attempts. In the case of learning by doing, the sequence between action and policy feedback tends to be shorter; as a result, the double-loop of the learning process is less established than in e.g. learning from history, where institutionalisation of the feedback from the mismatch of outcomes can take several years to be analysed and implemented. It could even be argued that, due to the shortened timeframe, learning by doing is mainly limited to single-loop learning. In a way, learning by doing is the simplest form in which an institution can learn, and the lessons drawn tend to be more “quick fixes”. The main concern of learning by doing is whether the knowledge acquired through this type of learning depreciates or whether it is fed into the institution’s memory and is thereby institutionalised<sup>558</sup>.

The EU makes brief reference to this learning category by commenting on the benefit of internal evaluations to promote learning by doing, since managing services themselves are closely involved in questioning their activities on “why” and “how” of<sup>559</sup>.

*Learning by doing occurs while the action is being carried out and is mainly limited to single-loop learning due to its shortened timeframe. It is mainly achieved by feeding new information into the decision-making process without a significant change in the belief system. It is therefore prone to “short-term” fix approaches.*

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<sup>556</sup> Zuber-Skerritt (2002)

<sup>557</sup> Huber (1991), p. 91

<sup>558</sup> Epple, Argote and Devadas *ibid.*, p. 64

<sup>559</sup> European Commission - Budgetary overview and evaluation DG XIX (1997), p. 24

### c) Lesson Drawing and Policy Transfer

This is the most complex form of IL. Even though every state has its own problems, certain concerns are similar to all citizens in whatever nation they may live: national security, education, economy, unemployment, social security - to mention just a few. Therefore there is a certain vested interest among the policymakers of all nations (all of whom would like to be re-elected) – and particularly among its citizens – to obtain the best system possible for their national environment. As a result, most policymakers “shop around” and try to incorporate systems which seem to work in countries other than their own. With reference to this phenomenon, Rose makes the valid point that ‘it is easier to see similarities between the same policy area in different countries than to find similarities between social security and environmental or defence policies within a country’<sup>560</sup>. But Dolowitz and Marsh have examined this proviso and noted that it is not so applicable as it might appear: ‘when drawing lessons across nations, geographic propinquity does not equate with policy transfer because ideological and resource similarities are necessary preconditions to adapt lessons from one country to another and neighbouring countries do not always meet these preconditions.’<sup>561</sup> Still this does not deter country leaders from attempting this. Especially when dealing with changes in foreign policy, it is important to understand the conditions under which a government will opt for this form of self-correcting change. Rose declares that lesson-drawing is ‘both a normative and a practical activity’ and that the ‘procedures used to draw a lesson, like the lesson itself, are only means to political ends’<sup>562</sup>. He further acknowledges the importance of time and space in the learning process<sup>563</sup>. As is the case for environmental risks, Rose notes that ‘functional interdependence can compel a common response by two or more different governments to deal with a problem effectively’<sup>564</sup>. The adoption of common policies by different nations in response to a collective problem is actually the ‘strongest form of lesson drawing’.

How do the concepts of “lesson” drawing and “policy transfer” differ from other forms of policy making?<sup>565</sup> In the words of Dolowitz and Marsh, the terminology might vary, but lesson drawing, policy convergence, policy diffusion and policy transfer all describe the

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<sup>560</sup> Rose (1991), p. 4

<sup>561</sup> Dolowitz and Marsh (1996), p. 353

<sup>562</sup> Rose (1993), p. 11 and 12 respectively

<sup>563</sup> Ibid., pp. 5-6

<sup>564</sup> Ibid., p. 10

<sup>565</sup> This question is borrowed from James and Lodge (2003) who also pose this question in their article.

same phenomenon.<sup>566</sup> Nevertheless, Rose, who is probably to be considered the ambassador of “lesson drawing”, defines a lesson

‘as an action-oriented conclusion about a programme or programmes in operation elsewhere; the setting can be another city, another state, another nation or an organisation’s own past. Because policymakers are action-oriented, a lesson focuses upon specific programmes that governments have or may adopt. A lesson more than an evaluation of a programme in its own context; it also implies a judgement about doing the same elsewhere. A lesson is thus a political moral drawn from analysing the action of other governments.’<sup>567</sup>

Dolowitz and Marsh, who are better known for the spread of the “policy-transfer” concept, define this as a

‘process by which knowledge about policies, administrative arrangements, institutions and ideas in one political system (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political system’<sup>568</sup>.

This is interesting insofar as, in their earlier article, Dolowitz and Marsh declare that even though they prefer the term “policy transfer”, they are inclined to use the term “lesson drawing” because ‘in many cases, lessons are drawn from other places or times which do not result in policy or institutional change’<sup>569</sup>. This is so far correct, and by distinguishing between voluntary transfer and coercive transfer and between associating lesson drawing and policy transfer respectively, they have made an important distinction underestimated by Rose.

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<sup>566</sup> Dolowitz and Marsh (2000), p. 5

<sup>567</sup> Rose (1991), p. 7

<sup>568</sup> Dolowitz and Marsh (2000), p. 5

<sup>569</sup> Dolowitz and Marsh (1996), p. 344



## A Policy Transfer Framework

Why Transfer? Continuum			Who Is Involved in Transfer?	What Is Transferred?		From Where		Degrees of Transfer	Constraints on Transfer	How To Demonstrate Policy Transfer	How Transfer leads to Policy Failure
Want To.....	.....	Have To									
Voluntary	Mixtures	Coercive			Past	Within-a Nation	Cross- National				
Lesson Drawing (Perfect Rationality)	Lesson Drawing (Bounded Rationality)	Direct Imposition	Elected Officials	Policies  (Goals) (content) (instruments)	Internal	State Governments	International Organizations	Copying	Policy Complexity (Newspaper) (Magazine) (TV) (Radio)	Media	Uniformed Transfer
	International Pressures		Bureaucrats Civil Servants	Programs	Global	City Governments	Regional State Local Governments	Emulation	Past Policies	Reports	Incomplete Transfer
	(Image) (Consensus) (Perceptions) Externalities	Pressure Groups	Institutions			Local Authorities		Mixtures	Structural Institutional	(Commissioned) (uncommissioned)	Inappropriate Transfer
	Conditionality  (Loans) (Conditions Attached to Business Activity)	Political Parties	Ideologies					Inspiration	Feasibility	Conferences Meetings/ Visits	
	Obligations	Policy Entrepreneurs/ Experts	Attitudes/ Cultural Values						(Ideology) (cultural proximity) (technology) (economic) (bureaucratic) Language	Statements (written) (verbal)	
			Consultants Think Tanks Transnational Corporations Supranational Institutions	Negative Lessons			Past Relations				

Table 4.2 A Policy Transfer Framework (as depicted in (D.P. Dolowitz and D. Marsh, 2000), p. 9)

Table 4.2 above visualises the different actors and degrees of transfer as understood by Dolowitz and Marsh. They identify policy transfer as mostly taking a coercive form, e.g. when governments or supra-national institutions push or force another country to adopt a particular policy<sup>570</sup>. In the same context, they recognise the possibility of direct coercive transfer during which a government forces another to adopt a policy, and that of indirect coercive transfer resulting from interdependence and leading governments to be forced to work together to solve a common problem<sup>571</sup>. Dolowitz and Marsh acknowledge that coerced policy transfer is more likely to lead to policy failure<sup>572</sup>. Rose warns that as lesson drawing is ‘part of a contested political process; there is no assurance that a lesson drawn will be both desirable and practical’<sup>573</sup>. He is nevertheless aware that in reality ‘most policymakers draw lessons in an unreflective way; a lesson is no more than an assertion of “what everyone knows”’<sup>574</sup>.

Rose therefore rightfully notes that ‘the critical question in lesson-drawing is “whether a program that is successful in one setting can be transferred to another”’<sup>575</sup>. What he is saying is, in other words, that the policymaker has to be careful about which country he chooses for benchmarking his policies. As the situation in every country is particular and unique, this indicates the difficulty faced by the political science literature when drawing conclusions from organisation literature. Whereas one company can easily draw lessons from another company with respect to the outlay of their assembly lines (particularly if both are e.g. producing a simple product such as a desk-lamp), the foreign policy of two countries is never as identical as these two assembly lines. Another factor to be considered when cross-country lesson-drawing is attempted is the likely asymmetry of power between these countries<sup>576</sup>, which does not exist between companies. One company is not dependent on another company’s action in the way in which one country might be dependent on development aid from either an IFI or another country and could be “conditioned” to learn as a result. It must be acknowledged at this point that the differences between international organisations are even more far-reaching than between countries, as their memberships and missions vary widely; hence lesson drawing from other international institutions seems a questionable concept. But why do policymakers still continue to draw lessons from each other? While this question cannot be answered at this point, it is hoped that the analysis towards the end of the thesis will shed light on this.

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<sup>570</sup> Ibid., p. 344

<sup>571</sup> Ibid., pp. 347-348

<sup>572</sup> Dolowitz and Marsh (2000), p. 6

<sup>573</sup> Rose (1991), p. 3

<sup>574</sup> Cf. Ibid., p. 4

<sup>575</sup> Ibid., p. 7

<sup>576</sup> Cf. Ibid., p. 17

Technological progress has made communication easier and faster and thus fosters communication among policymakers from different countries. This probably also accounts for the increase in the occurrence of policy transfer. Furthermore, international and regional organisations such as the EU, WTO, IMF or World Bank advocate and enforce ‘similar policies’<sup>577</sup>. The aforementioned interdependence in the international political arena is a further reason for countries drawing lessons; this might possibly also account for the increase in its significance. The prospective evaluation by one government, and the borrowing of such a policy by another government to address a certain problem, also reveal a strong dependence of both governments on knowledge available at this specific moment<sup>578</sup>.

While the EU does not use the term “lesson-drawing”, it nevertheless recommends “learning from other sources”<sup>579</sup>, such as studies and audit reports from internal and external sources.

*Lesson-drawing and policy-transfer as understood by this thesis mainly focus on the voluntary transfer or drawing of lessons by the EU from other international institutions or academic advances. Knowledge of policies or administrative arrangements is used in the development of such EU policies and/or administrative arrangements. The “construct” which is drawn or transferred mostly focusses upon specific programmes or changes in norms.*

#### **d) Adaptation**

It was demonstrated earlier that learning is ‘the process by which consensual knowledge is used to specify causal relationships in new ways so that the result affects the content of public policy. Learning in and by international organisations implies that the organisation’s members are induced to question earlier beliefs about the appropriateness of ends of action and to think about the selection of new ones, to “revalue” themselves’<sup>580</sup>. Learning therefore questions the status quo, or as he phrases it: ‘the ultimate purpose is redefined, as means as well as ends are questioned’<sup>581</sup>. In contrast adaptation can be defined as ‘change that seeks to perfect the matching of ends and means without questioning the theory of causation defining the organisation’s task. Adaptation does not require new consensual knowledge’<sup>582</sup>, it is similar to learning but adjusts for contextual differences<sup>583</sup>. Under this concept, new purposes may be added without ‘worrying about their

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<sup>577</sup> Dolowitz and Marsh (2000), pp. 6-7. It should be pointed out here that “similar lessons” are NOT to be equated with learning. With reference to the example of the EU, this means e.g. that in the case of the enlargement countries, they needed to comply with conditionalities. This made the accession countries comply with certain bureaucratic norms, which suggested in some cases, e.g. the need to align certain administrative tasks.

<sup>578</sup> Cf. Rose (1991), pp. 25-27

<sup>579</sup> European Commission - DG Budget (2001), p. 22

<sup>580</sup> Haas (1990), pp. 23-24

<sup>581</sup> Ibid., p. 3

<sup>582</sup> Ibid., p. 36

<sup>583</sup> Cf. James and Lodge (2003)

coherence with existing ends'<sup>584</sup>. It is important to stress that adaptation can be a part of learning, but that learning involves much more than the limited understanding of adaptation which is adjustment due to changes in the environment. Adaptation is shaped by path-dependence which (in a nutshell) is the 'influence of historical choices on present institutional options'<sup>585</sup>.

What are the triggers affecting policy change through adaptation and what might indicate which trigger was responsible for the change in policy? The triggers can be divided in internal and external triggers. IL and domestic pressures - along with budget constraints - are the main internal pressures felt in the EU – although the nature of the EU should be taken into account, which easily leads to a blurring of the “borders” between internal and external in this context.

So what are these forces causing policies to adapt and how can they be recognised? *Internal (domestic) pressures* can take the form of a strong civil society calling for an amendment to a particular policy, or can be a consequence of change in national governments. In this instance, the causal relationship between a change in policy and its trigger can be traced back to a political party having campaigned on this issue to bring about a specific change in policy if this party is elected. *Budget constraints* either result in a scaling back of policies – although this effect is to be found more in the number of programmes being funded under a certain policy than in the actual policy being altered - or in the policy being scrapped altogether. Evidence of this can usually be found in the financial debates leading up to the passing of the budget. When it comes to foreign policy, many of the triggers are influenced exogenously: Probably the strongest exogenous trigger to influence foreign policy and causing it to change is a *shock event* of the scale of 9/11 or the Boxing Day Tsunami. The chain of causality can be found in the fact that the event is generally referenced in the newly introduced policy. This trigger therefore usually produces new policies which have not previously been considered by the polity. Due to the nature of such a shock event, the response tends to be rapid. The initial introduction of the policy can be linked to the event by temporal proximity. International pressures can take several different forms. The change in policy in such cases may be caused by a *transgression*, in as much as one of the parties involved in the policy has broken the “rules of engagement”. This causal link may be found in the documents calling for a change in policy by referring to the transgression; if the consequences of a transgression are stipulated in the policy/agreement, then immediate action will follow. This is a scenario which can be found in the relationship existing between a governmental development actor and the aid recipient – in the context of the EU, an example is the Cotonou Agreement. This trigger is strongly linked to the trigger of *interdependence*. The essence of interdependence is

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<sup>584</sup> Haas (1990), p. 3

<sup>585</sup> Cf. Kelley (2005) referring to Pierson (1996)

that a dependency relationship is inherent on at least one side of the parties involved. This interdependence is often due to economic constraints or political association. Political dependence and interdependence may be due to the parties belonging to the same international institutions and therefore being bound by their rules (e. g. NATO, WTO, EU). In the international sphere, this interdependence can also be caused by a state breaking international norms or rules. In response, the international community then pressures a government/institution to fall in line with an amendment in policy towards the rule-breaking state. The causal link between such international pressure and the change in policy is traceable in media calls or group statements (e. g. EU démarches or UN Security Council Resolutions).

*The reason why adaptation was added to the framework is the fact that change resulting from internal and external forces must also be accounted for, as this is not institutional-learning but falls under the cluster of adaptation.*

Considering the fact that all three IL categories have been mentioned (albeit briefly) in one or other of the EU documents, this bodes well for an argument in favour of the EU being indeed engaged in IL. Interestingly enough, the evaluation documents are generally drawn up by the DG Budget, (most probably) in an attempt to maximise the output of the funds spent. It will be interesting to see if the analysis will find evidentiary support for this claim.

## **Conclusion**

This chapter has provided an analysis of the content and process of IL. It has elaborated the concept of learning, outlining the different types of learning while attempting to analyse not only how and by whom the substance is learned, but also to differentiate between the different origins of the lessons drawn. It has defined the working (independent) variable IL as follows: *“institutional-learning is characterised as the desire to enhance an organisation’s performance by the acquisition and evaluation of new consensual knowledge, hence leading to an elimination of mistakes and a continuous questioning of the status quo. It is desirable that this institutional-learning is then institutionalised in the institutional framework of the organisation”*. This in turn inherently attests that it is necessary for learning to be double-loop learning in order for it to be recognised as IL as understood in the context of this thesis. The central contribution of this chapter to the rest of the thesis has thus been to create the IL Framework. Throughout the remainder of the thesis the author will therefore look for evidence of IL as defined in the three categories:

- a) Learning from history
- b) Learning by doing

c) Lesson-drawing and policy transfer

or for signs of adaptation.

The IL Framework established above will therefore be applied throughout the analysis in this thesis. Hence this chapter has established the basis for the - “institutional-learning” component of this thesis, and with the previous two components “EU” and “state-building” having been defined as well, the overall Research Framework can now be drawn up in Chapter V.

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## Chapter V - Research Framework

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This chapter sets out the Research Framework of this thesis. After all the components distinguishing this thesis (apart from Afghanistan, which the case-study will introduce) have been elaborated and the independent variables have been synthesised in previous discussion, this chapter draws them all together to devise the Research Framework. The Research Framework provides the foundation for applying the analysis of EU institutional-learning in state-building to Afghanistan. It defines the structure of analysis followed throughout the latter part of the thesis.

The previous chapters have demonstrated that one has to be aware that assigning a precise actor identity to the EU will complicate attempts to identify the extent to which the organisation engages in learning – it has however been argued that the EU as an actor has undergone a change in self-perception which has greatly influenced its actions and policies. It has been shown that the EU is an international actor and that while this thesis is aware of the different organisational branches and structures within the organisation, it will be treated as *one* institution during the analysis. It has also been demonstrated that the EU as such is a young foreign policy actor and that many of its policies are still being developed - in particular policies in the state-building context. This thesis acknowledges that in any policy area so “young”, one can expect much “trial and error” but also much “learning” to occur. This has been addressed in several instances during the previous chapters as there have been indications that some of the changes seem to be “more” than adaptation and change, and that there is reason to believe that institutional-learning has taken place. With the concepts of learning now defined and the institutional-learning Framework established, the thesis is now able to categorise instances according to the institutional-learning Framework. With the debates surrounding the state-building elements completed in the chapter on State-building Concepts, the main components of this thesis (EU, state-building and institutional-learning) have been debated and elaborated and the main concepts have been defined; it only remains, therefore, to draw them together in the Research Framework. As the Research Framework is made up of the state-building Framework in corporation with the institutional-learning Framework, both of them will be re-introduced and their interplay will then be demonstrated to reveal how they work together in their application to the case study of Afghanistan.



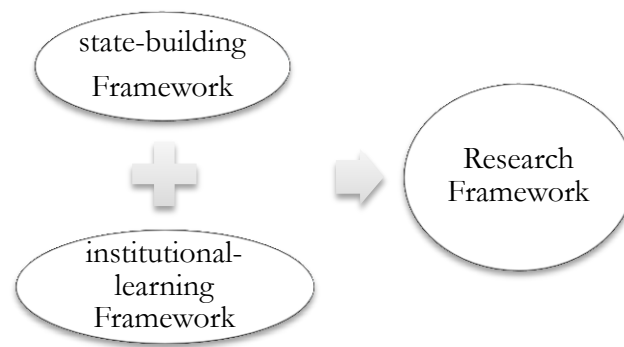


Figure 5.1 Interplay of Frameworks

Figure 5.1 illustrates the relationship between the two frameworks and how their combination establishes the Research Framework.

### The institutional-learning Framework

The institutional-learning Framework consists of three learning categories, each of which has been described in detail in the previous chapter. To recap, the three institutional-learning categories are: learning from history, learning by doing and lesson-drawing/policy transfer. These are augmented by the category of adaptation which accounts for the other reasons that EU action or a policy might have changed apart from institutional-learning. *Institutional-learning as such has been characterised as the desire to enhance an organisation's performance by the acquisition and evaluation of new consensual knowledge, hence leading to an elimination of mistakes and a continuous questioning of the status quo. It is desirable that this institutional-learning is then institutionalised in the institutional framework of the organisation.* What this means in terms of the subsequent analysis is that this thesis considers institutional-learning to have taken place if a change in action or policy was observed and the policy was amended to enhance the outcome of this policy or if a follow up policy was introduced. But also the noticing of a mistake in the present action is considered learning, albeit only single-loop learning, while full IL is still considered to be double-loop learning. Thus, an important element this Framework will look for is whether there are any indications that the lessons have been institutionalised. Institutionalisation is the 'process by which those norms, or shared standards of behaviour, are created and developed'<sup>586</sup> and furthermore that they are included into the system of the institution. Part of this institutionalisation process of institutional-learning is a change in the underlying belief-system. With the help of the Framework, the thesis will attempt to identify which category of learning has taken place. The main questions governing the institutional-learning analysis are as follows:

<sup>586</sup> Smith (2004), p. 26

- Is it institutional-learning?
- What kind of institutional-learning is present and from what sources are the lessons drawn?
- Is the change in policy due to adaptation?
- Is the adaptation pressure situated within the EU or outside?
- Which adaptive element accounts for the change in policy (with possible reasons)?

These questions will guide the analysis in the form of a decision tree. The institutional-learning element of the Research Framework can therefore be translated into the following table:

	Institutional-learning			Adaptation		Other
	Lesson from history	Lesson-drawing	Learning by doing	EU internal pressure	Pressure external to EU	
EU action/policy						

In a sense, this takes care of the “columns” of the Research Framework, but what of the “rows”? This is where the state-building Framework is incorporated.

### **The state-building Framework**

The state-building Framework organises the components needed in a state-building exercise into four building blocks – a pattern already established in the chapter debating the concepts of state-building. To recall, these four blocks are: security, institutions, political and civil rights and economic and social rights. Each of the four blocks will be allocated a separate “row” later on. The pattern at the time was not referred to as the state-building Framework, as the purpose of the state-building chapter was to introduce the debates within these elements and acquaint the reader with the components within these elements. This Framework does not only establish these four elements as the four main blocks required for state-building, it also lays down the order of analysis which will be followed in the Afghanistan case study. This categorisation into four blocks should aid in the organisation of the analysis in the case study as it sorts the vast volumes of EU policies towards Afghanistan into these four groups, making the analysis more systematic. The element which will be analysed first will be the element of security. The security element focusses first of all on what the EU policies/contributions are towards the cessation of the conflict are and how it is (if it is) engaged in other areas of security such as DDR, SSR or human security. The next element to be scrutinised will be that of institutions. In this element the emphasis will be on whether there have been EU policies directed at the reconstruction of institutions, governance reforms, administration reforms or electoral support. In the element of civil and political rights a strong focus will be on the EU’s contribution to the Rule of Law, but also any policies concerning Human Rights, governmental accountability, the justice sector, minority rights and anti-corruption policies. The fourth element then deals with economic and social rights, which will look at

policies aimed at economic development, health and education and the effects of the opium economy. But how do the two Frameworks work together to actively support the analysis of this thesis?

### Interplay of the two Frameworks to form the Research Framework

The following Research Framework allows the thesis to analyse EU engagement under the premise of not only post-conflict state-building but also institutional-learning. One can say that after the Research Framework of EU post-conflict state-building is applied to the engagement in Afghanistan the institutional-learning Framework is then superimposed on this. The developments at both levels are tracked by using process tracing. In this way, EU efforts in Afghanistan are analysed and categorised according to the four elements of security, institutions, civil and political rights and economic and social rights; the developments thus traced are subsequently scrutinised to detect whether institutional-learning has taken place at all – and if so, how this institutional-learning may be defined. The Framework only accounts for intentional (planned) changes in policy. In terms of dependency, policy change is considered the dependent variable, as any policy change depends on institutional-learning and/or adaptation (or other). Another independent variable influencing the analysis is the change in self-perception by the EU, since this development in the attitude of the actor may be expected to be reflected in the actions and policies of the EU as an institution. The state-building framework neatly incorporates the influence of the post-conflict state-building “variable” in the analysis. The last independent variable influencing the analysis is the nature of the situation presently found in Afghanistan (as will be outlined in detail in the next chapter), which in turn determines the extent and nature of the post-conflict state-building in which the EU as the actor is engaged in this case. The following matrix demonstrates the intersecting of the two Frameworks, forming the Research Framework as will be used in the analysis in this thesis:

		Institutional-learning			Adaptation		Other
		Lesson from history	Lesson-drawing	Learning by doing	EU internal pressure	Pressure external to EU	
State-building elements	Security						
	Institution building						
	Civil and political Rights						
	Social and economic Rights						

Each state-building element will be analysed in turn. The analysis proceeds step-by-step; first each element will be reviewed with respect to whether any EU efforts/contributions/policies are evident; then it attempts to assess what impact these efforts have had on the situation – whether there have been any improvements discernible; or not, as that in itself could indicate a failure of learning. With these two steps in mind, the content and subject of the policies in each element will then be checked for any evidence of institutional-learning on the part of the EU. The main difficulty in determining the success, failure or inaction of a policy is the lengthy timeframe required to observe any changes and to collect the relevant data. With some policies, it is fairly simple to establish whether they have been successful or not; i.e. if a policy calls for an increase in primary school attendance and the percentage of children in primary school has increased from e.g. 50% to 70%, then this can be considered a success in purely numerical terms. Nevertheless, the attendant circumstances must always be taken into account. Similarly, the specifics of the policy's objective and whether "success" may be considered the mere implementation of said policy have to be considered. While a simple numerical increase might well indicate a success, this does not necessarily imply a simultaneous increase in effectiveness or efficiency. This also infers that a successful policy change is not necessarily linked to "successful" learning. It is likely that learning has taken place, but this could also be environmentally influenced. The most obvious indication of successful learning is when the subsequent policy indicates the rationale behind the change having taken place; this makes it possible to determine whether the change in policy is simply due to a mismatch of expected outcomes or whether the reasoning behind the policy has also been amended. In the context of institutional-learning in the state-building policies, two important factors may be distinguished: process and content. While "process" in this context deals with the timing and decision-making procedures of the policies involved, it is the substance (content) of state-building which is most important for this thesis. It is guided by the research question of the thesis, which aims to establish whether institutional-learning is taking place in the state-building policies of the EU, and if such lessons are applied to its engagement in Afghanistan. The analysis is steered by the question whether an institutional-learning process has taken place over the years. It assumes that if this is in fact the case, then evidence of this should be visible in the development of the EU state-building agenda; otherwise evidence of other reasons for policy change will give a counter-indication – though one has to bear in mind that institutional-learning and other causes for change are not mutually exclusive.

For the analysis in the case study the subsequent chapters are ordered visually to conform with the Research Framework. At the end of the analysis of each element it will therefore be obvious

which category of learning took place within them. This provides the thesis with an analysis of institutional-learning specifically dedicated to EU state-building in Afghanistan. The subsequent overall analysis of institutional-learning then provides an analysis of learning focused more on the EU as an institution. The total sum of these different assessments then provides the basis for the conclusions to be drawn by this thesis.

## Chapter VI - Background Afghanistan

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*‘These two nations have, in turn, enjoyed the experience of global supremacy in the nineteenth and twentieth centuries. As a consequence they are known by the world far better than they, in turn, know that world. To use an analogy, the slave always has to know his or her master, in order to maximise the chances for survival. The master can enjoy the luxury of ignorance – at least until his throat is cut.’<sup>587</sup>*

### **A. Aim**

This chapter gives context and background to the Afghanistan case without which the subsequent institutional-learning analysis of EU state-building efforts would be impossible. The chapter therefore has two main aims: it introduces the general policies of the European Union towards this country and establishes their relationship prior to the start of the state-building efforts in 2001. The aims behind country-specific strategy policies – country strategy papers and (multi-) annual indicative programmes – are summarised to indicate how they guide the EU’s engagement in Afghanistan. In this sense, the Bonn Agreement in its significance and some of its drawbacks are outlined because the international state-building efforts are based on this document. The second part of this chapter serves as preparation for the analysis of institutional-learning in the next chapter by “taking stock” of the situation in the country prior to the start of the 2001 efforts and up until the close of 2010 (end of timeframe for this thesis). These two stock-taking sections are necessary for two main reasons: firstly state-building efforts by the EU (and by other actors involved) do not start in a void, and secondly in order to detect policy impact (through changes in the situation on the ground) the present situation (as per end of 2010) must also be summarised. Therefore, significant historical events and influences are considered<sup>588</sup> and an “inventory” then taken for each state-building element (as defined in the Research Framework) – first at the 2001 level and subsequently at the 2010 level. These two inventories in a sense provide a baseline (2001) and an outcome-line (2010). What makes these two “lines” significant for the analysis of learning is that in order to detect policy impact, one generally looks at the starting situation and sees if at a certain point in time (2010 in this instance) the situation in a specific policy field has changed. The link to institutional-learning lies in the fact that the instruments instigating this change are policies (in this case EU state-building policies). Therefore in order to detect institutional-learning (IL) or adaptation in such policies a summary of each respective baseline is

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<sup>587</sup> Dennis Smith on the “conceitedness” of the British and Americans, and even the Soviet Union, with respect to their actions in Afghanistan. (as cited in Saikal, Ravan Farhadi and Nourzhanov (2004), p.7)

<sup>588</sup>Cf. For an extensive account of Afghanistan’s history refer to Giustozzi (2000), Griffiths (2009), Rubin (2002b), Saikal, Ravan Farhadi and Nourzhanov (2004), Rasanayagam (2005), Schetter (2007). The main historical developments are summarised in Appendix I.

necessary since otherwise no change in situation would be detectable. This relationship is depicted in Figure 6.1.

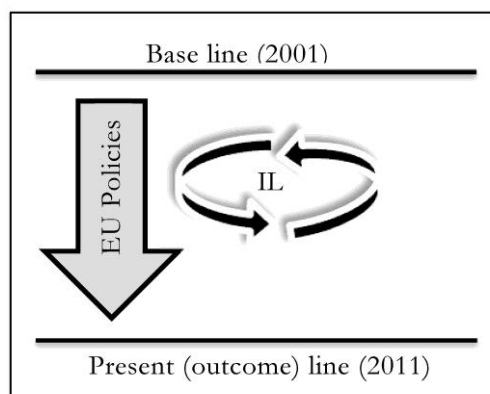


Figure 6.1 Base- and Outcome-lines

In coherence with the state-building Framework, the second part will therefore outline each “line” for each state-building element in sequence. To depict these “lines”, this chapter makes use of a mix of primary (official documents and interviews) and secondary material. For the analysis of institutional-learning in the EU’s state-building policies in Afghanistan, the following Chapter VII will then superimpose the institutional-learning framework over the findings of this chapter in accordance with the Research Framework.

## ***B. EU policy towards Afghanistan***

The EU (or the European Community as it was called at that time) has been active in Afghanistan since 1983 in form of a European Commission support office<sup>589</sup>, and the European Commission Directorate General for Humanitarian Aid (ECHO) offices in Kabul were installed as early as 1991. Hence the EU may justifiably consider itself a dedicated donor. It had contributed to programmes supporting the most vulnerable people, particularly addressing the effects of the prolonged drought and medico-nutritional programmes<sup>590</sup>. In 1998 ECHO halted funding for Kabul ‘in response to growing restrictions on access and employment of women’<sup>591</sup>. ECHO had disbursed its aid through NGOs as it was deemed too dangerous and work was restricted by Taliban decrees<sup>592</sup>. ECHO offices in Kabul were temporarily closed and work was done across the border from Peshawar<sup>593</sup>. Despite the EU’s continued support for the Afghan people it has to be noted that its relationship with Afghanistan was not only one of aid; the EU (in line with most of

<sup>589</sup> EEAS (2011b)

<sup>590</sup> Memo/01/442, ECHO (2001)

<sup>591</sup> ODI (1999), p. 152

<sup>592</sup> International Crisis Group (2005), p. 10

<sup>593</sup> European Union (2009)

the international community) did not formally recognise the Taliban Government<sup>594</sup>. Pre 9/11 co-operation was focused on support for refugees and IDPs, and on humanitarian support in emergencies (especially on drought relief) which was delivered through ECHO<sup>595</sup>. Just prior to 9/11 the Commission took funding decisions totalling EUR 23.4 million for ECHO's work supporting Afghanistan<sup>596</sup>. Figure 6.2 shows an annotated timeline of EU aid and reconstruction engagement with Afghanistan. The events depicted are significant milestone events in this cooperation, either in the form of establishing offices, holding international conferences, introducing significant policy changes or producing major documents.

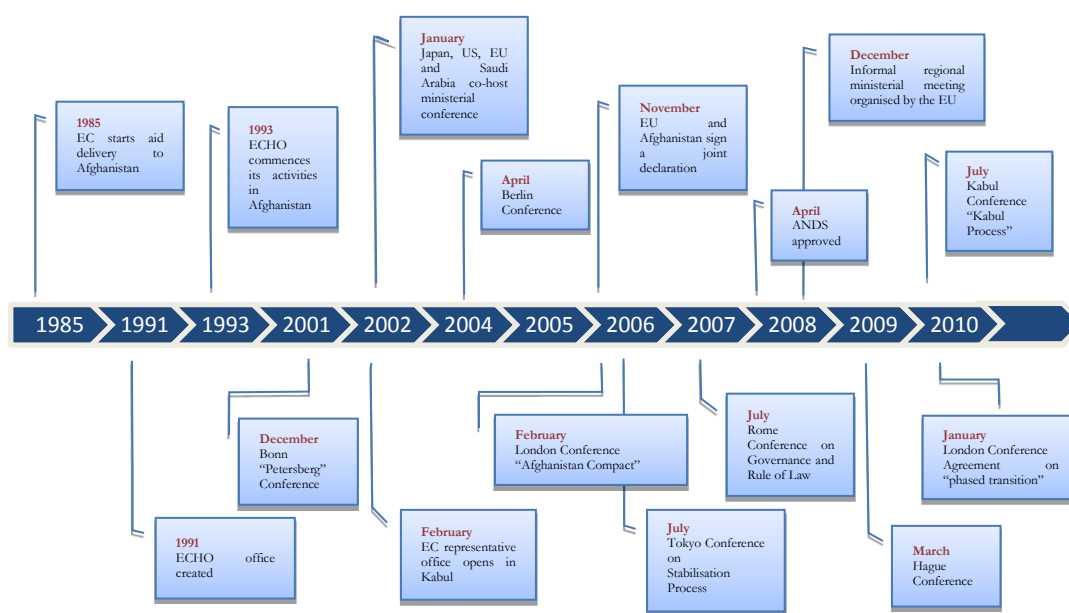


Figure 6.02 Timeline of EU-Afghanistan Cooperation<sup>597</sup>

After the US and Britain launched air strikes in October 2001 to retaliate for the 9/11 attacks and in an attempt to seize Osama bin Laden who was held responsible for the attacks on the World Trade Centre and the Pentagon, the Taliban fell after the opposition forces (mainly Northern Alliance) seized Masar-e Sharif and within days marched into Kabul. In December 2001 the EU appointed the first EUSR for Afghanistan and at the same time took the decision to set up a Delegation of the European Commission to Afghanistan (fully established by 2002)<sup>598</sup>. In an attempt to establish an interim government in Afghanistan, the UN - in the presence of the special representative of the Secretary-General for Afghanistan (Mr. L. Brahimi) - convened the

<sup>594</sup> Cf. International Crisis Group (2005), p. 3

<sup>595</sup> European Commission (2003b), p. 15

<sup>596</sup> Memo/01/442, ECHO (2001)

<sup>597</sup> Idea for the figure is adapted from the Blue Book (European Union (2009) p.3), but the annotated data is extended.

<sup>598</sup> EEAS (2011b)



Petersberg Conference in Bonn, Germany<sup>599</sup>, marking the beginning of a series of international Afghanistan donor conferences. Since the Lisbon Treaty there has been a single EU Delegation (combining the offices of the EUSR and the former Commission Delegation).

### **i. Bonn Agreement**

With the start of these negotiations in Bonn (27.11.2001), the Afghanistan War was assumed to be over<sup>600</sup>, albeit fighting still continues today. The Bonn Agreement was signed on 5<sup>th</sup> December 2001, outlining a political framework for the newly established provisional government of Afghanistan. It is important to note at this point that the Bonn Agreement was not a peace agreement between belligerent factions, but is “just” ‘a UN-brokered agreement among various Afghan groups to share power in a transitional governing structure’<sup>601</sup> – which in subsequent years was repeatedly criticised by academics and policy makers alike<sup>602</sup>. The Agreement was perceived as merely ‘a statement of general goals and intended power sharing among the victors of a conflict in which their erstwhile common enemy, the Taliban, was suddenly deposed by the intervention of a *deus ex machina*’<sup>603</sup>. These “groups” are mainly political-military groups loyal to different warlords, who claimed to represent a particular group defined either by region, ethnicity, religion or geographical territory<sup>604</sup>. The provisional government of Afghanistan as established in Bonn was headed by Hamid Karzai.

The Bonn Agreement sets out the transition process and the state-building agenda for the international community. The Introductory Clauses to the Agreement attempt to paint a picture of the Afghanistan to be established: they reaffirm the country’s independence and national sovereignty and seek to promote ‘national reconciliation, lasting peace, stability and respect for human rights’; the country is to be governed ‘in accordance with the principles of Islam, democracy, pluralism and social justice’<sup>605</sup>. It further emphasises the priority of early elections and of drafting a new constitution to expedite the formation of a legitimate government and judicial

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<sup>599</sup> S/2001/1154 (Bonn Agreement), United Nations (2001), the Text of the Bonn Agreement is reproduced in Appendix III of this thesis.

<sup>600</sup> Schetter (2003), p. 2

<sup>601</sup> Suhrke, Harpviken, Knudsen, Ofstad and Strand (2002a), p. 3

<sup>602</sup> Cf. Rubin, Stoddard, Hamidzada and Farhadi (2004), Suhrke, Harpviken and Strand (2004)

<sup>603</sup> Suhrke, Harpviken and Strand (2002), p. 877.

<sup>604</sup> Many publications concentrate on the role of the Afghan warlords in the fall of the Taliban and in the establishment of the transitional government of Afghanistan or on their role in the reconstruction process. An in-depth analysis would exceed the scope of this thesis, and reference is therefore made to e.g. Giustozzi (2003), Goodson (2001), Griffiths (2009), Mac Ginty (2010), Rubin (2002b), Saikal, Ravan Farhadi and Nourzhanov (2004), Samimy (2003), Stanski (2009)

<sup>605</sup> S/2001/1154 (Bonn Agreement), United Nations (2001)

reform. Some of the goals set out in the Bonn Agreement still remain problematic, e.g. human rights.

The main criticism of the Bonn Agreement centres on the vagueness of the security provisions mentioned. They are perceived as ‘a declaration of intent, rather than a detailed agreement that would identify mechanisms for the transfer of authority, the composition of a future security apparatus, and clear timelines [sic]’<sup>606</sup>. Given the post-conflict situation, one would expect extensive provisions for security to have been included in the Bonn Agreement, but the International Security Assistance Force (ISAF) is only dealt with in the Annex<sup>607</sup>. The International Security Assistance Force’s mandate is one of peace-enforcement under Chapter VII of the UN Charter<sup>608</sup>, but it was not until 2003 that NATO took command of ISAF. Its task is to assist ‘the Afghan government in extending its authority and creating a secure environment’. This includes the demilitarisation of Kabul, but not the reduction of crime - as Rubin poignantly points out<sup>609</sup>. Donors agreed to a division of labour for security sector reform (SSR), appointing Italy the head country for legal reform, Germany for police reform and Japan for demobilisation and reintegration.<sup>610</sup> With respect to disarmament – which is a critical part of SSR – there are no concrete provisions contained in the Agreement. It also says nothing about police reform – a substantial part of the rule of law provision as favoured by the EU. From the standpoint of EU state-building, this highlights the problem that individual member-states are also involved in bilateral aid provision. This does not necessarily conflict with EU attempts, but reduces the resources available – as the EU is still dependent on member states to provide the reconstruction sources, whether in form of financial contributions or personnel.

The timing of elections seemed rushed to post-conflict reconstruction experts: the Agreement called for the convening of an emergency Loya Jirga within six months of establishing the Interim Authority. The democratic procedures which installed Karzai at the Emergency *loya jirga* have received much criticism, as the selection of candidates to both assemblies was tainted by intimidation<sup>611</sup>. Critics continually describe the constitutional process as a “quick-fix legitimacy exercise”. Rubin claims in one of his articles that it had never been possible to turn Afghanistan

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<sup>606</sup> Suhrke, Harpviken and Strand (2004), p. 43

<sup>607</sup> Cf. Annex II of this thesis.

<sup>608</sup> ISAF (2009)

<sup>609</sup> Rubin (2004), p. 168

<sup>610</sup> Suhrke, Harpviken and Strand (2004), p. 37

<sup>611</sup> Ibid., p. 60

into a stable democracy in time for the elections in 2004<sup>612</sup>. The Bonn Agreement further declares ‘that the Emergency Loya Jirga shall decide on a Transitional Authority, including a broad-based transitional administration, to lead Afghanistan until such time as a fully representative government can be elected through free and fair elections to be held no later than two years from the date of the convening of the Emergency Loya Jirga’<sup>613</sup>. If one considers that the Emergency Loya Jirga was convened in June 2002 and the presidential elections took place in October 2004 (just over the two-year maximum period specified in the Agreement) but that the country had just experienced 20 years of unrest, this would indeed seem rather rushed - particularly if one considers that post-war Germany held its first elections to the Bundestag in August 1949, four years after capitulation. And in Germany’s case, the institutional framework was already well established and the hierarchies of governance were grounded in society even before the war. And yet it stands to reason that the international community wanted to hand over responsibility for the country to an Afghan government as soon as possible, instead of becoming involved in a lengthy international trusteeship (as was the case in Namibia) or administration (as seen in Kosovo). During interviews with the author, several EU officials also voiced their perception that elections had been rushed<sup>614</sup>.

The Bonn Agreement marked the “kick-off” for international state-building efforts in Afghanistan, but what has been at the core of EU policy towards Afghanistan in this respect?

## **ii. EU policies towards Afghanistan**

As seen in previous chapters, the EU has several organs dealing with foreign policy issues. So who deals with Afghanistan? A list of the main actors would read like this: the office of the EU Special Representative for Afghanistan (and Pakistan), and with it the Head of the EU Delegation to Afghanistan (at present: H. E. Ambassador Vygaudas Ušackas) who is located in Kabul. In Brussels, the main bodies involved are the Commission, the Council and the Parliament, but more specifically the desk officers of the European External Action Service, the Crisis Response Planners of the Instrument for Stability and the relevant officers in development cooperation and ECHO.

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<sup>612</sup> Cf. Rubin (2004), p. 165

<sup>613</sup> S/2001/1154 (Bonn Agreement), United Nations (2001)

<sup>614</sup> Cf. Garcia (2011), Turner (2011)

The policies of the EU are laid down in the Country Strategy Papers and the National Indicative Programmes (and later in Multiannual Indicative Programmes). As an overview, ‘between 2002 and 2010 the EU committed more than €2 billion in assistance to Afghanistan, including €345.2 million in humanitarian assistance’<sup>615</sup>. Assistance from the budget is managed by the Commission through the Delegation to Afghanistan in Kabul. The legal and strategic framework for cooperation has been agreed with the Government of Afghanistan and includes the Country Strategy Papers (CSPs) and Multiannual Indicative Programmes (MIP)<sup>616</sup>. These are implemented through Annual Action Programmes (AAP) and Financing Agreements signed by the Afghan Ministry of Finance.

As agreed by the General Affairs Councils in 2002, the overall objectives for the EU and the EC in Afghanistan were as follows: (quoted verbatim<sup>617</sup>)

- Promote the Bonn Agreement and its implementation by all groups.
- Restore stability in Afghanistan as part of the international community efforts to crisis prevention.
- Provide support for civil, social and military structures and services and aid for all those in need, especially refugees and displaced persons.
- Promote democracy and the functioning of public institutions and thus promote the protection of Human Rights.
- Give special attention to the inclusion of women as equal partners in Afghan society.
- Insist that the Afghan authorities, in co-operation with the IMF, establish an effective and comprehensive macro-economic and monetary framework to ensure sustainable economic development and effective use of donor funding. Give special attention to the inclusion of women in Afghan society.
- Reinforce the fight against illegal drugs and terrorism.
- Promote cooperation with neighbouring countries in the successful reconstruction of Afghanistan.

It is important to note here that there is no reference to state-building and that some of the tasks are not necessarily state-building related.

The political partnership between the EU and Afghanistan is highlighted in the Joint Declaration<sup>618</sup> which outlines the shared priorities such as the establishment of strong and accountable institutions, security and justice sector reform, counter-narcotics, development and reconstruction. Five years later Lady Ashton reiterated this dedication by proclaiming in her

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<sup>615</sup> European Commission (2011a)

<sup>616</sup> The CSPs and MIP in turn are influenced by the strategies and goals committed to in the Afghanistan Compact (2006) and the Afghanistan National Development Strategy (2008)

<sup>617</sup> European Commission (2003b), p. 3

<sup>618</sup> European Council Secretariat (2005)

*Report on EU strategy for Afghanistan* that the country is a priority<sup>619</sup>. This continued engagement can be found in several documents dedicated particularly to the EU reconstruction efforts in Afghanistan.

**a) Country Strategy Paper – Afghanistan (2003-2006)<sup>620</sup>**

EU support for Afghanistan takes place within the framework laid out in the Bonn Agreement. It orientates its priorities towards those given in the National Development Framework<sup>621</sup> (which was drafted by the Afghan Assistance Coordination Authority (AACA) in 2002). After an initial period of “emergency assistance”, the EU drafted its first Afghanistan development agenda in form of the CSP (2003-2004) which focused on four key areas:

- The priorities as defined in the NDF:
  - Pillar I: Human and Social Capital (health; social protection, civil society and media; repatriation of refugees; rural recovery and livelihood);
  - Pillar II: Physical Infrastructure (economic infrastructure – roads and electricity supply; urban infrastructure);
  - Pillar III: Trade and Investment, Public Administration and Security (public administration: reform, capacity building and trade; support to budget (trust funds); police and security; demining;
- Poverty reduction, particularly in rural areas;
- Other cross cutting issues were to include gender, demobilisation, demining, tackling opium production and protection of the environment;
- Smooth transition from humanitarian to reconstruction support.

**b) Country Strategy Paper – Afghanistan (2007-2013)<sup>622</sup>**

This strategy paper was drafted against the background of the Afghanistan Compact and the Afghanistan National Development Strategy. The three focal sectors for this time period are rural development, governance and health. In addition, there are three non-focal areas: social protection, mine action and regional cooperation. This CSP realises that the main policy challenge facing the Afghan government is the advancement of the state-building and sustainable development processes, but rooting democratic institutions and attitudes into the Afghan political culture is a slow objective which must be considered in the long-term. The principles stressed in this CSP are those of greater sectorial focus and geographic concentration, improvement of Afghan government capacity (including revenue collection capacity in order to enable recurrent budget support to be reduced), support for the legal system and counter-narcotics strategies

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<sup>619</sup> Ashton (2010b)

<sup>620</sup> European Commission (2003b)

<sup>621</sup> Afghan Assistance Coordination Authority (2002)

<sup>622</sup> European Commission (2007f)

(mainstreamed with other efforts related to rural livelihoods and rule of law programmes). In addition, it seeks to incorporate the principles of the Paris Declaration<sup>623</sup> and its own Communication on Conflict Prevention.<sup>624</sup> These should ensure that regional integration, electoral and parliamentary processes, SSR and justice are given the prominence required.

### **c) (Multiannual) National Indicative Programmes (NIP)**

There have been several NIPs and MIPs: NIP 2003-2004 and 2005-2006 and MIP 2007-2010 and 2007-2011. The (Multiannual) National Indicative Programmes focus on implementing the CSPs. They lay down the funding sources for the strategies outlined in the CSPs. Whereas previously several budget lines were called upon for the 2002 programme a) Financial and Technical Cooperation, Asia; b) Food Security; c) Aid to Uprooted People; d) Rapid Reaction Mechanism; e) Asylum/Migration; f) EIDHR), a new budget line g) “Aid for the rehabilitation and reconstruction of Afghanistan” was created for the 2003-2004 NIP<sup>625</sup>. However, this new budget line only marginally improves the confusion between budget lines; while the necessity for budget lines c, d and f is eliminated by the introduction of this new line g), this still leaves four lines in place: a), b), e) and g). In contrast to the previous NIP, the 2005-2006 NIP explicitly mentions that the goal is to channel support via sectorial budget allocations<sup>626</sup>, but that this would ‘require more effective management and financial control capacities than currently exist in those target ministries through which EC funds be channelled’<sup>627</sup>. Additionally, international trust funds are increasingly to be used to distribute funds, such as the Afghan Reconstruction Trust Fund and the Law and Order Trust Fund which are both monitored by the World Bank. The Multiannual Indicative Programme for 2007-2010<sup>628</sup> shows no change in the financial arrangements; it merely mirrors EU attempts to implement more long-term aid, which it is hoped will help recipient country financial planning. The change to longer term Indicative Programmes is also an indication of institutional-learning in the EU’s attempt to draw up more long-term development strategies.

Having now established the general EU approach to Afghanistan, what exactly was the situation in the country onto which the state-building efforts would have to built after the war had officially ended?

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<sup>623</sup> OECD (2005a)

<sup>624</sup> COM(2001)211, European Commission (2001a), OECD (2005a)

<sup>625</sup> European Commission (2003c)

<sup>626</sup> Sector approaches entail separate programmes of activities with separate budgets. (Cf. Barakat (2002), p. 809)

<sup>627</sup> European Commission (2006e), p. 38

<sup>628</sup> European Commission (2007h)

## ***C. Taking Stock***

### **i. Some significant historical influences on present state-building efforts**

Afghanistan's turbulent history has been a decisive factor in the course of the conflict and subsequent state-building efforts; hence a short summary of this history is provided in the Appendix. Afghanistan's historical existence as a buffer state has defined it as a barrier between expanding powers while attempts were made to preserve the economic influence of these powers in the country. This did not – as it had in the Indian subcontinent – lead to a reform of the political order or to a modern state system but to a country which was internationally contested, whether during the Great Game<sup>629</sup> or the Cold War. While its sovereignty was being established, Afghanistan even had its borders imposed on it<sup>630</sup> and was in a state of constant political turmoil, the international influences supporting whichever group was most supportive of their motives at that given time – leaving a dependent and fragile state. Although Schetter is correct in his conclusion that it would be wrong to view Afghanistan with all its conflicts as a puppet of external powers, the momentum of the conflict should not be underestimated: the Afghan people are used to war and fighting has become a job for them<sup>631</sup>.

Between 1919 and 2001 Afghanistan had 17 heads of state<sup>632</sup>; six of which were killed while in power (executed or assassinated). All others (apart from present-day Karzai) have been “disposed of”, overthrown or pressured to resign. This constant political upheaval lies at the bottom of the prolonged duration of Afghanistan's state fragility and clearly illustrates that it does not have a history of political stability to look back on for the present post-conflict state-building efforts. Interestingly enough, despite all the power-wrangling taking place in the country – internally and under foreign influence – there have never been separatist or secession movements in Afghanistan. The central state as such has never been questioned by Afghans<sup>633</sup>. Afghanistan therefore continues to have a functioning nation-state which is based on the common identity derived from the majority religion of Islam.

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<sup>629</sup> On the significance of the Great Game, the Durand Line and further historical background, consult Appendix I.

<sup>630</sup> The borders were defined according to several international agreements: Northern border – agreement between Russia and Britain (1876 – renegotiated 1887); North-Western – between Russia and Britain (Durand Line) and the border with Iran was defined by a treaty between Britain and Iran (1905). Cf. Roy (2004), p. 13

<sup>631</sup> Adapted from Schetter (1998) (own translation)

<sup>632</sup> Cf. Qassem (2009), Appendix I, a reproduction of which can be found in Appendix II to this thesis. The only natural succession to the throne was the reign which ended in 1919. Amir Habibullah Khan, who reigned from 1901 to 1919, was – without precedent and so far without equal in the history of Afghanistan – the only peaceful succession. (cf. Rubin (2002b), p. 52)

<sup>633</sup> Cf. Roy (2004), p. 11

Also historic legacies like the Durand Line, which was drawn as early as 1893, are still influencing today's conflict. While Pakistan is not at the forefront of the international actors meddling in Afghan politics, it has been involved continuously. The Islamist orientation of the Mujahedeen pleased Pakistani encounters across the border leading to an increase in Islamist activity along the Afghan-Pakistan border (= Durand Line). The groups active in the Northwest Frontier Province have displayed an affinity for the Taliban and al-Qaeda and as such still challenge the re-establishment of Security and the Rule of Law in that area. They have set up a parallel administration in some parts of the tribal area and enforce Sharia Law<sup>634</sup>. This challenge strikes at the core of the Afghan state-building efforts.

The post-Cold War power vacuum in Afghanistan and the rise of the Mujahedeen raised some interesting questions at the time: now that the Soviet-imposed government had fallen, were the Afghans reverting to their "tribal" traditions and had American policy "succeeded" or "failed"? One may assume that these questions were the reasons for Rubin calling his chapter discussing this phenomenon "Mirror of the World". Whereas the Soviets saw Afghan society as "tribal" or "feudal", Western societies saw them as "traditional". Its strong dependence on western aid and the 'dualism of state and society' made Afghanistan succumb to political fragmentation. Rubin concluded that

‘Americans and other supporters of the mujahidin admired the Afghans’ resistance to an “evil” version of modernity, while still sharing, by and large, the view that the resistance represented ancient ways – perhaps admirable, if doomed – resisting the modern, centralized state. Soviets and Americans alike assumed that the inhabitants of powerful states with large armies and weapons factories knew the present and the future, while the Afghans knew only the past. *The question was merely how quickly and how violently, and under whose sponsorship, to force or to invite them into our modernity*’<sup>635</sup>.

In a way one might say that this still remains the question. If one considers the state-building process in Afghanistan, these questions are still asked, while not necessarily in the same language. It will be interesting to see how the EU managed, if not to answer these questions, but at least to incorporate these issues into their state-building approach.

The international invasion of Afghanistan under the US label of "Enduring Freedom" was only partly concerned with removing the Taliban from power. As such there are plenty of autocratic regimes which might call for international intervention based on their human rights records or treatment of their citizens. The Taliban case was different because they provided a safe haven to al-Qaeda. Hence the reasoning behind the intervention was that in order to prevent al-Qaeda

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<sup>634</sup> Haqqani (2008), pp. 231ff

<sup>635</sup> Rubin (2002b), pp. 3-4 (emphasis added)



from returning or strengthening their influence further, Afghanistan must become a stable state<sup>636</sup>. Afghanistan can only become a stable state when international security forces (and local actors) commit to building a stable and effective state, including providing security and improving the country's development prospects. The euphemism of the international community immediately after the fall of the Taliban was only matched by their confidence in their ambitious plans as they could

‘draw on a half-century of experience with the aftermath of war destruction and rehabilitation – the military occupations of Japan and Germany, the Marshall Plan for the reconstruction of Europe, and postcolonial nation-building efforts in Asia, Africa, Central America, and the Balkans’<sup>637</sup>.

So what was the situation facing the enthusiastic international community on starting their state-building efforts in Afghanistan?

## **ii. Setting the Scene for EU reconstruction**

The turbulent history of Afghanistan casts its shadows on the reconstruction and state-building efforts of today. Utilising the elements of the state-building framework this section will depict the situation as per 2001 in these four elements in order to determine a starting point onto which the state-building efforts were to build. This part therefore describes the “base line” for each of the four state-building elements as referred to in the introduction to this chapter. This base line will be used in the next chapter to point out changes on the ground in Afghanistan in these elements when compared to the outcome line which will be described in the next section (iii).

It is important to stress that gaining data for Afghanistan pre 2001 has been hampered by the 20 years of civil war preceding international intervention post 9/11. Afghanistan's last national census was carried out in 1979, just before the Soviet invasion<sup>638</sup>. Rubin notes this in a footnote concerning the measure of humanitarian emergency in Afghanistan, stating that ‘one indicator of humanitarian emergency in Afghanistan is the collapse of institutions able to produce such statistics’<sup>639</sup>. Hence Afghanistan has not been listed in the standard sources for such data, the United Nations Development Program's (UNDP) Human Development Report, for a while. 1995

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<sup>636</sup> On a legal analysis of the war in Afghanistan see Schmitt (2009)

<sup>637</sup> Montgomery and Rondinelli (2004)

<sup>638</sup> Cf. IRIN (2011)

<sup>639</sup> Rubin (2002b), Preface to the Second Edition, p. XI footnote to sources of Table 1. And the data for 1996 was highly questionable – as stated by Suhrke, A. and Harpviken, K.B (2001), “Peacebuilding strategies for Afghanistan” report commissioned by the Norwegian Ministry of Foreign Affairs as quoted in Bhatia, Goodhand, Atmer, Pain and Sulemann (2003), p. 19

saw Afghanistan being given an estimated HDI ranking of 170 out of 174 countries<sup>640</sup>. The gap between Afghanistan and the (average of the) rest of the world is significant and the scarcity of data up until 2004 is striking<sup>641</sup>. Afghanistan can be said to be experiencing its most significant reorientation of the past 30 years, and the current government faces the task of moving a post-conflict state towards a stable future.

Following up on the “stock-taking” idea, it is informative to examine some of the data produced in an Afghanistan Research and Evaluation Unit (AREU) paper addressing livelihoods in Afghanistan in 2002. AREU uses an asset framework for its analysis. The author is not convinced of this tendentiously more economic assessment, but nonetheless considers it helpful for achieving a quick overview from an in-country source; it is therefore included. Short summaries of the assessment of human, social, financial, natural and physical capital<sup>642</sup> in Afghanistan are therefore given below:

**Human Capital**, has been affected by decades of conflict and subsequent limited investment in Afghanistan’s resource base. The population is poorly trained, and illiteracy (especially among women) is widespread – mainly due to a disrupted and under-funded education system. Many men were compelled to join militias in order to survive; as a result of the continuous conflict, they are more versed in violence than in productivity. The disability rate from landmines is significant, as are high rates of morbidity and mortality caused by malnutrition and poor health care. A pattern of voluntary and forced migration is apparent.

**Social Capital**, has been particularly influenced by the Taliban’s religious codes limiting the role of women in public. Existing social capital has eroded, but new associations and organisations have emerged.

**Financial Capital**, has been influenced by a war economy and informal institutions. The economy has suffered from spiralling inflation and the financial institutions are weak. Afghanistan’s wealth is mainly derived from the narcotics trade and the military sector. The wealthy members of the diaspora are slow to return due to the continuing uncertainty.

**Natural Capital**, has been gravely depleted by 3-4 years of drought. Access to water continues to be dictated by power relations – particularly at the local level – while the decrease in skilled human capital has also led to decay of the irrigation systems. The pollution with landmines is great, increasing distances for people to gather food. Fuel scarcity has led to severe forest denuding and increased susceptibility to natural disasters.

**Physical Capital**, has been affected by years of war as warring factions have deliberately destroyed roads, bridges, villages, grain silos or transportation and irrigation infrastructure. While the industrial base was

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<sup>640</sup> ODI (1999), p. 5

<sup>641</sup> UNDP (2010)

<sup>642</sup> For definitions of these terms, consult the original paper, which provides an outline and the methodology for the assessment in greater detail. Pain and Lautze (2002), pp. 10-14

never strong, factories today lie in disrepair and processing plants are neglected and underfunded. Farmers have sold their productive assets to cope with drought and related debt.

This brief general overview of the “assets” of Afghanistan in about 2001 will suffice at this point. But what was the situation with respect to the state-building pillars (pre-) 2001? (For comparison, the sequence of elements is consistent with that of the Research framework).

#### **a) Base-line in the state-building element “Security”**

Due to more than 20 years of war raging in Afghanistan, the ‘embryonic state structures built during the 20<sup>th</sup> century [...] fell apart on all levels’<sup>643</sup>. Hence the state infrastructure has collapsed almost totally and the state’s monopoly of force has been practically eroded. The importance of legitimate security is most evident when it is absent, as in Afghanistan pre-2001. This demonstrates the vicious circle facing post-conflict fragile states like Afghanistan: in order to regain its “statehood”, future threats to peace and security need to be combatted by its own institutions established during the state-building process, but in a post-conflict setting the state-building process is in constant danger of being undermined by the absence of any legitimate monopoly of force. The establishment of a national army and local police force are therefore essential: Thier and Chopra indicate a very valid point that Westerners perceive Afghans as “mercenaries”. “They have a reputation for defection and a culture in which it is acceptable to change sides despite contractual-style commitments. However, instability of political relations is a direct consequence of the insecurity of the past 23 years”<sup>644</sup>. This division in loyalty derives from the different hierarchies between *qaum* (blood relation), which is permanent, and *gund* (need relation), which is negotiable<sup>645</sup>.

Whilst some sources might argue that there was no security – especially human security – under the Taliban, this is not quite the case<sup>646</sup>. The security provision was simply different. Pakistani-Afghan businessmen in the transport sector – whose economic interest had been damaged by the warlordism of the early 1990s – would certainly not agree that there was a lack of security under the Taliban, since for them the Taliban brought security which enabled cross-border trade to flourish once again<sup>647</sup>. Nevertheless, the monopoly of violence by the state was eroded, but the parallel development of the “violence economy”<sup>648</sup> or “economy of security”<sup>649</sup> as it was

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<sup>643</sup> Bertelsmann Stiftung (2003), p. 3

<sup>644</sup> Thier and Chopra (2002), p. 901

<sup>645</sup> Cf. on *qaum* and *gund* Saltmarshe and Medhi (2011)

<sup>646</sup> Cf. US Department of State (2010)

<sup>647</sup> Cf. Bhatia, Goodhand, Atmer, Pain and Sulemann (2003), p. 5

<sup>648</sup> Byrd and Guimbert (2009)

sometimes called, achieved something resembling security by absorbing previously independent warlord combat groups into their own ranks<sup>650</sup>. This way a perceived increase in security was achieved but it only resulted in increased importance being attached to qaum and gund relations in an attempt to be “covered” by a security arrangement. The security provision under the Taliban which received most attention was the Ministry of Vice and Virtue (the religious police) which controlled adherence to Islamist morals.

In 2002 conditions faced by most Afghans were described as insecure as a result of the aftermath of conflict and continuing firefights between hostile factions; lawlessness (seizure of goods and coercion with impunity) and the lack of legal or judicial recourse to threats to human rights (dysfunctional policing, legal system, courts)<sup>651</sup>. The UNDP needs assessment in 2002 reported that one of the main challenges to the government of Afghanistan (or at first the transitional government) was ‘to establish effective security sector institutions able to provide security to communities and citizens while protecting the national sovereignty of the Afghan State and protecting human rights’<sup>652</sup>. In 2001 the interim government was faced with a situation in which ‘virtually all institutional elements of the security apparatus have either completely disintegrated or have evolved into structures that are no longer relevant or responsible to the needs of an emerging democratic polity’<sup>653</sup>.

The Bonn Agreement was rather vague in its security provisions. The southern and eastern parts of the country, which constitute the Pashtun heartland and are home to many Taliban, still suffer from security threats<sup>654</sup>, and at the beginning, the ISAF forces were restricted to Kabul and surrounding areas only. Suhrke saw the reasoning for this in the fact that ‘the USA was concerned that additional deployment of a peace-keeping force would complicate its own on-going war against remnants of al-Qaida and the Taliban’<sup>655</sup>. There was no provision for DDR among the soldiers contained in the Bonn Agreement. Wilder and Lister point out that whilst the SSR strategy for Afghanistan did have a DDR component, the “Afghan New Beginning Program” (ANBP) initiated in 2003 was problematical as it ‘only sought to disarm AMF [Afghan Militia Forces] members who came under the authority of the MOD’<sup>656</sup>. This was subsequently rectified

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<sup>649</sup> Noelle-Karimi, Schetter and Schlagintweit (2002)

<sup>650</sup> Ibid.

<sup>651</sup> Asian Development Bank, UNDP and World Bank (2002)

<sup>652</sup> Ibid.

<sup>653</sup> Ibid., p. 7

<sup>654</sup> Cf. Suhrke, Harpviken and Strand (2004)

<sup>655</sup> Suhrke, Harpviken and Strand (2002), p. 883

<sup>656</sup> Wilder and Lister (2007), p. 91

in the Disbandment of Illegal Armed Groups, but by that time the militias were already involved in the prevailing economic and political power structures. So ordinary people in the countryside frequently had no alternative but to seek protection in return for loyalty from local warlords<sup>657</sup>. (This case of institutional-learning in state-building policy will be revisited in Chapter VII.)

Placing the security component in the context of state-building elements, there was no official Afghan (state) controlled security provision at the starting point of the process. The police force was non-existent, consisting of militia men who were loyal only to their respective warlord. This element therefore needed strong support from the international community, and the following chapter will analyse whether the EU has managed to improve the security element in the state-building process in Afghanistan.

#### **b) Base-line in the state-building element “Institutions”**

Several analyses claim that with the withdrawal of the Soviet forces, the ‘institutions that were left continued to disintegrate and an institutional vacuum became entrenched’ so that the Taliban stepped into this vacuum<sup>658</sup>. If there ever was such a vacuum, it is certainly no longer present. There were (and still are) currently two distinct and competing politico-administrative organisations in Afghanistan, one which rests its legitimacy on a constitutional right and the other on military power (warlords)<sup>659</sup>. One might say that the latter is a “descendant” of the Taliban system of government. The system is ‘based on the bureaucratic principles and routines of the pre-communist era’ incorporating the organisational patterns for tax collection, army recruitment and government control which had proved efficient before<sup>660</sup>.

Writing in 2002, Thier and Chopra were correct in stating that (with one or two exceptions) there were no working national institutions functioning in Afghanistan<sup>661</sup>. They rightly point out that Afghanistan’s previous experience with national government varied between a model of centralisation, where the power is concentrated in the hands of a small minority and in the subjugation of opposition by force (e. g. Amir Abdul Rehman Khan or the Soviet backed PDPA government or the Taliban) and a model where autonomous local authorities are co-opted through patronage (eg. Amanullah, Zahir Shah). The model which Afghanistan is striving to achieve again is the model of political liberalisation following the 1964 Constitution, which

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<sup>657</sup> Cf. Suhrke, Harpviken and Strand (2002)

<sup>658</sup> Barakat *ibid.*, p. 806

<sup>659</sup> Cf. Suhrke, Harpviken, Knudsen, Ofstad and Strand (2002b)

<sup>660</sup> Cf. Barakat (2002), p. 807 referring also to sources from Rubin and Strand

<sup>661</sup> Cf. Thier and Chopra *ibid.*, p. 895

includes a system of direct representation with an independent judiciary. But how does one have to picture the prevailing governance situation at the start of the international state-building efforts? The long years of war have led to a strong degree of regional autonomy resting firmly in the hands of governors and warlords. These actors are reluctant to relinquish their power and therefore adhere to a form of the Taliban Government System<sup>662</sup>, thereby challenging the elected government in their legitimacy.

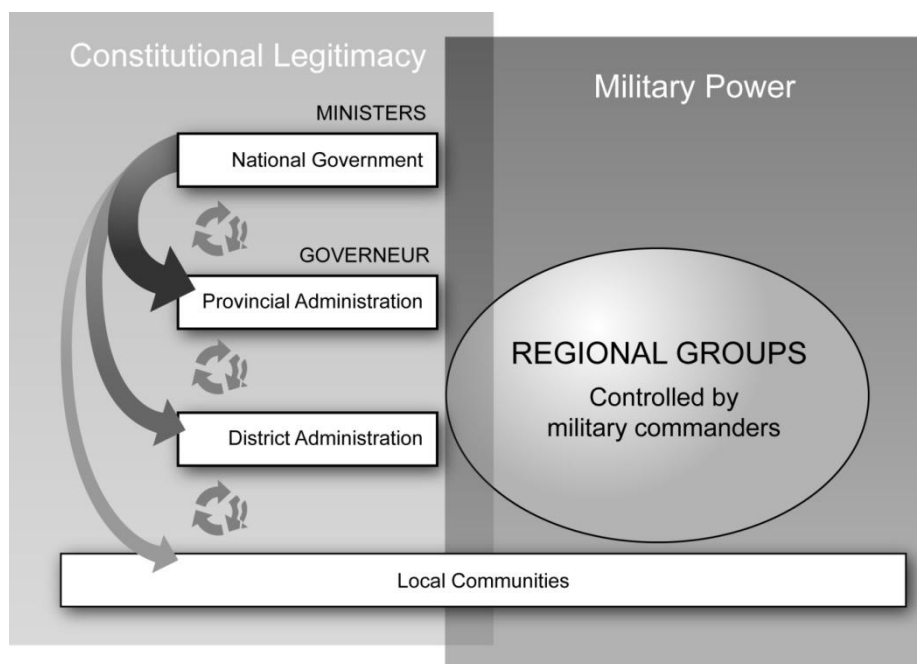


Figure 6.0.3 Constitutional Legitimacy vs. Military Power

This competitive relationship is visualised in the diagram above (Figure 6.3). On the left, the hierarchical bureaucracy level is depicted from national government through provincial administration and district administration to local communities. Note the decreasing size in arrows, as this corresponds to the falling levels of influence from national government to the sublevels. On the right, the circle spanning the same height as the provincial administration (stopping just short of national government) depicts regional power centres controlled by commanders and warlords. The shaded area in the centre shows a slight overlap between the two, signifying that sometimes regional commanders are included in the constitutional hierarchy. The governance system under the Taliban was based on methods of fragmentation of local cohesion and gaining greater access to local resources. The nature of Taliban administration depended on their estimation around ‘the locality’s orientation, composition and power base’ – some regions with strong tribal ties were able to resist Taliban edicts while particularly urban areas were subject to a more stringent control<sup>663</sup>.

<sup>662</sup> For the Taliban governance structure, see also: Strand, Harpviken and Najimi (2001), pp. 11ff

<sup>663</sup> Cf. Bhatia, Goodhand, Atmer, Pain and Sulemann (2003), pp. 12-13

Following on from the governance structures, what did the basic administration and public service sector look like around 2001? Before the Taliban<sup>664</sup>, Afghanistan recorded that 43% of government employees were female - all of whom were subsequently dismissed, leaving the transitional government with a “supposedly” core public administration, including teachers, health workers, district and provincial and national administrators of around 170000 – which for a country the size of Afghanistan is small. Most government ministries are war-damaged shells without even the most basic materials and equipment. The Taliban introduced the system of rewarding martial bravery with positions in government without linking this to governmental duties or ability – a problem which still prevails<sup>665</sup>.

The political space was very restricted and was outright hostile to democratic elections as ‘political space requires both a physical area as well as a social environment within which people can meet, negotiate and plan, free from the threat of force’<sup>666</sup>. During the Taliban regime this was constricted by the Ministry of Vice and Virtue which particularly restricted the free movement of women and their participation in public life<sup>667</sup>. Bertelsmann wrote in its 2003 evaluation that people still had reservations about the democratic system. There are several reasons for this: Afghans do not have the best of relationships with institutions and they therefore need to re-connect. Also, democratic rules are not yet widely known or heeded. Afghans quote events during the Loya Jirga as an example: patronage-based thinking was prominent, leading to democracy being accepted as an empty formula without accepting the democratic rules of the game<sup>668</sup>. Thier sees the only way to change this if a transition is achieved from ‘the pursuit of power and the privilege of “ruling” to a service culture within the new institutions’<sup>669</sup>. This goes hand in hand with the need to replace ethnic affiliation in institutions with a merit-based entry and promotion system. This would also increase the effectiveness of institutions.

The above are all significant issues to be addressed during the institution-building process. It seems that institution building in the Afghan reconstruction effort will be faced with reluctance and prejudice; will the EU as an institution be able to play out its “competitive advantage” over other donors in this respect?

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<sup>664</sup> Cf. for the details mentioned in this paragraph Asian Development Bank, UNDP and World Bank (2002), p. 15

<sup>665</sup> Cf. Noelle-Karimi, Schetter and Schlagintweit (2002), p. 5

<sup>666</sup> Thier and Chopra (2002), p. 894

<sup>667</sup> Cf. Strand, Harpviken and Najimi (2001)

<sup>668</sup> Cf. Bertelsmann Stiftung (2003), p. 7

<sup>669</sup> Thier and Chopra (2002)

### c) Base-line in the state-building element “Civil and Political Rights”

Some of the political rights elements have been discussed before, as political rights go hand in hand with a functioning democratic political space. Pre-2001, the Afghan society was organised around clientelism, while the actual civil society could not develop – resulting also in a lack of viable democratic parties or unions<sup>670</sup>. Under the Taliban the media sector lacked resources and suffered from severe restrictions. The situation immediately after the invasion was one of minimal or poorly maintained (and/or out of date) technical infrastructure and a shortage of trained Afghan journalists<sup>671</sup>. There is still substantial distrust between the people and the government due to previous atrocities and a lack of reconciliation. The Taliban violated human rights in ‘terms of discrimination of women and targeting on non-Pashtuns, including forced expulsion and outright massacres’<sup>672</sup>. The judiciary system at the beginning of 2002 was a shambles. This was due to the fact that Afghanistan did not even have a valid Constitution at that time and the Taliban used Sharia Law. This resulted in Sharia punishment for crime, but this penal code is in itself considered ‘a violation of all international codes, and the fact that the judicial system has few or no safeguards makes the situation even more critical’<sup>673</sup>. In 1992 Afghanistan had some 1800 judges, 1100 prosecutors, 6000 support staff for the courts and about 4000 support staff for the office of the Attorney General, but a majority of the professional judges and prosecutors had been dismissed under the Taliban or even earlier governments<sup>674</sup>. In general, it may be said that the lack of any accountable judiciary (and of course the collapse of state-structures) had led to severe human rights abuses by ‘every governing entity in Afghanistan since 1978’<sup>675</sup>.

The right to live peacefully without fear of expulsion is not only a human right but also a civil right. Due to the long-standing conflict, it is estimated that up to 20% of the population has been uprooted and may be considered refugees or Internal Displaced Persons (IDP)<sup>676</sup>. The numbers given by the UNHCR (see Table 6.1 below) reflect the continual outflow of refugees – although they do not include IDPs:

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<sup>670</sup> Schetter (2003)

<sup>671</sup> Cf. Asian Development Bank, UNDP and World Bank (2002), pp. 21-22

<sup>672</sup> Strand, Harpviken and Najimi (2001), p. 6

<sup>673</sup> Ibid., p. 7

<sup>674</sup> Cf. Asian Development Bank, UNDP and World Bank (2002), pp. 8-10

<sup>675</sup> Thier and Chopra (2002), p. 900

<sup>676</sup> Cf. European Commission (2003b), p. 15



	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004*
Total in 38 Industrialized Countries	10200	12300	13000	17000	19300	25200	34800	54400	28500	14100	8800*
Total in 25 EU Countries	9300	11500	12200	16000	18000	22600	31000	48000	26100	10900	6800*

Table 6.1 Afghan Refugee Statistics 1994-2004<sup>677</sup>

It will be interesting to see how the EU will fare in the promotion of civil and political rights, considering how strongly inscribed its civil and political rights are in the treaties (especially the Treaty of Lisbon (Art. 1 and 2)).

#### **d) Base-line in the state-building element “Economic and Social Rights”**

The economic situation in Afghanistan is strongly interlinked with four concepts: aid, rentier state, war economy and opium. Due to its strategic position in the Cold War, the country was a recipient of large sums of aid allowing the government to run the state without substantial domestic taxation<sup>678</sup>. Aid to Afghanistan has always been political. Whereas it was given as a British subsidy during the Great Game ‘aimed to shore up the country as a buffer state’<sup>679</sup>, Afghanistan soon profited from competitive Soviet and US interests, which displayed themselves in foreign aid contributions. By the ‘1960s foreign aid accounted for more than 40% of the state budget’<sup>680</sup>. Thus Afghanistan was characterised as a “rentier state”<sup>681</sup>. The nature of such aid of course linked it to the political and military goals of the provider<sup>682</sup>.

It is shocking to see that a state which is now aid-dependent was largely self-sufficient in food and a significant exporter of agricultural products during the last year of peace (1978)<sup>683</sup>. How could this happen? Until the 1970s, Afghanistan was operating an economic policy mix of market economy and planned economy, demonstrating again its indecisiveness towards any of the great power players until the invasion of the Soviet Union in 1979 which temporarily put a stop to a free market economy. Between 1978 and 1992, agricultural production was falling as markets collapsed and infrastructure and villages were destroyed by Soviet bombing<sup>684</sup>. The economy suffered further from deliberate destruction of the necessary infrastructure (roads, bridges,

<sup>677</sup> Replication of table in UNHCR (2005); note: (\*UNHCR estimate: a small proportion of 2004 data on Afghan asylum seekers is not yet finalised)

<sup>678</sup> "Baluchistan" (1999), Schetter (2003)

<sup>679</sup> Bhatia, Goodhand, Atmer, Pain and Sulemann (2003), p. 18

<sup>680</sup> Goodhand (2002), p. 841

<sup>681</sup> Cf. Noelle-Karimi, Schetter and Schlagintweit (2002), p. 3

<sup>682</sup> Suhrke, Harpviken, Knudsen, Ofstad and Strand (2002a). On the three different generations of aid to Afghanistan and their direct and indirect effects on the conflict see Bhatia, Goodhand, Atmer, Pain and Sulemann (2003), pp. 18-19

<sup>683</sup> Cf. World Bank (2001), p. 1

<sup>684</sup> Cf. Pain and Lautze (2002)

villages, grain silos or transportation or irrigation infrastructure)<sup>685</sup> due to fighting. Industrial production came to a halt, and even agricultural production fell dramatically. The extended war and fighting period led to the regular Army becoming increasingly ineffective and prone to mass desertion. As a result, the government shifted power from the state to militia organisations<sup>686</sup>. As Goodhand explains: ‘the delivery of humanitarian aid mirrored to a great extent the system of brokerage that developed around the arms pipeline to resistance groups’<sup>687</sup>. This phenomenon led to a war economy working with market-economy rules – providing hotels and bazaars along secure supply routes for the resistance<sup>688</sup>.

Besides the war ruining the economy, Afghanistan has been plagued by a long drought. With 85% of the population dependent on agriculture, this was to have a devastating effect<sup>689</sup>. Médecins sans frontières reported that the drought caused cereal harvests to fall by 50% in 1999 and by 85-90% in 2000. These conditions forced millions to flee, and by late 2001 the ‘number of Afghans taking refuge in neighbouring countries had been pushed to more than 4 million and several hundred thousand more were displaced within the country’<sup>690</sup>.

Due to the lack of any official institutions, the formal economy is much less developed than the informal economy, which is a major disadvantage for the present post-conflict state as it loses the benefits (and taxes) thereby created. The state-building process also needs to solve the problem of the redistribution of land and water rights, since the 1970s land reforms resulted in large-scale confiscations<sup>691</sup>. Property rights as such are essential for the economy, as they will also influence the amount of future FDI investment; the drafting of legislation regulating the economy is thus required to stop the country’s dependence on aid.

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<sup>685</sup> Cf. Ibid.

<sup>686</sup> Cf. Noelle-Karimi, Schetter and Schlagintweit (2002), p. 4

<sup>687</sup> Goodhand (2002), p. 842

<sup>688</sup> Schetter elaborates further on what he calls “the Bazaar Economy” in: Noelle-Karimi, Schetter and Schlagintweit (2002)

<sup>689</sup> Ford and Davis (2001)

<sup>690</sup> Ibid.

<sup>691</sup> Bertelsmann Stiftung (2003), p. 9

iii. **Where are we now? Present situation in the state-building elements after 9 years of state-building efforts.**

Before going into detail for each of the four state-building elements, is there a general indication of the progress of state-building in Afghanistan? Having previously referred to the Human Development Index<sup>692</sup>, it could well serve as an indicative tool. The slight upward trend in Figure 6.4 therefore gives cause for slight optimism concerning state-building efforts in Afghanistan. Although gradual, the HDI for Afghanistan is increasing. Nonetheless the values are still far below the world average or even the closer benchmark of South Asia.

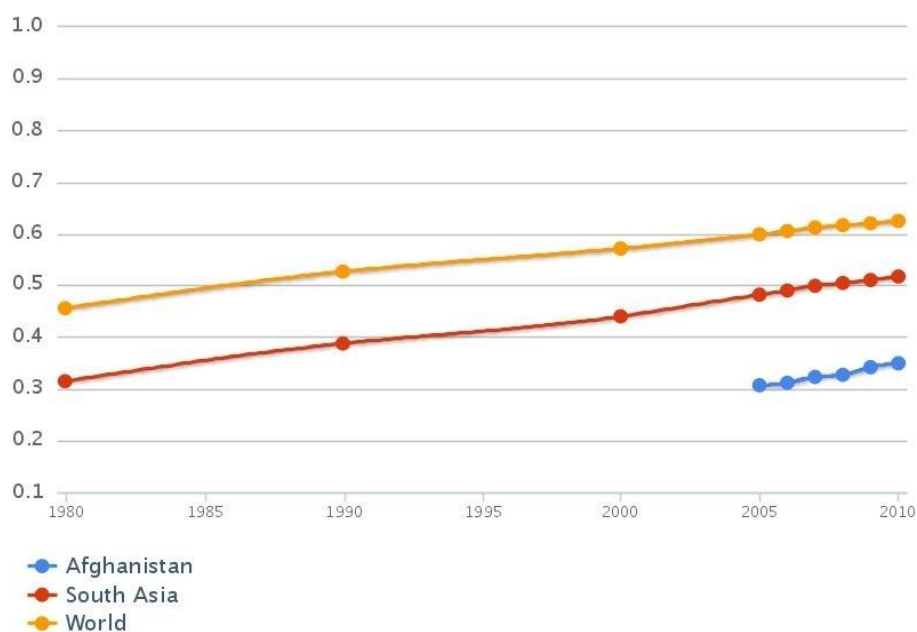


Figure 6.04 HDI trend for Afghanistan versus South Asia and the World<sup>693</sup>

**a) Present situation in the state-building element “Security”**

The current security situation in Afghanistan is in no way stable. It is even deteriorating after initial improvement until about 2006<sup>694</sup>. Among many others familiar with the situation in Afghanistan, Paul Turner pinpointed the decline in security to the moment of the attack on the Serena Hotel in January 2007<sup>695</sup>. The present dilemma of light versus heavy security footprint can be summarised in that ‘the decision to adopt a “light footprint” approach towards Afghanistan’s

<sup>692</sup> The average calculations and selection of countries included was undertaken by the UNDP. It should also be noted that the HDI values for Afghanistan have only been calculated since 2005 due to a lack of earlier data.

<sup>693</sup> UNDP (2011a)

<sup>694</sup> Steiner (2010)

<sup>695</sup> Turner (2011)

post-conflict reconstruction has increasingly come to haunt the international community in the light of resurgent violence, overall lack of economic and political progress, and fragmentation of individual efforts – and has put the overall success of international intervention at risk<sup>696</sup>. This can be seen in the fact that SSR efforts in Afghanistan are facing a wide variety of challenges: lack of international coordination, narcotics-fuelled corruption, poor national governance, ethnic fractionalisation and fragmentation and Taliban-led insurgency<sup>697</sup>. As far as mine action is concerned, the mid-term review was bleak: ‘the EC may well consider its role in this process, and engage in direct dialogue with the GOA [Government of Afghanistan] with regards to its commitment to assume ownership of the MAPA [Mine Action Programme of Afghanistan]. It is unrealistic for donors to continue to push the MACCA to work on transition issues if the political will is not there from the Government side’<sup>698</sup>. This volatility in security is shown in Figure 6.5, which depicts political stability and the absence of violence in Afghanistan.

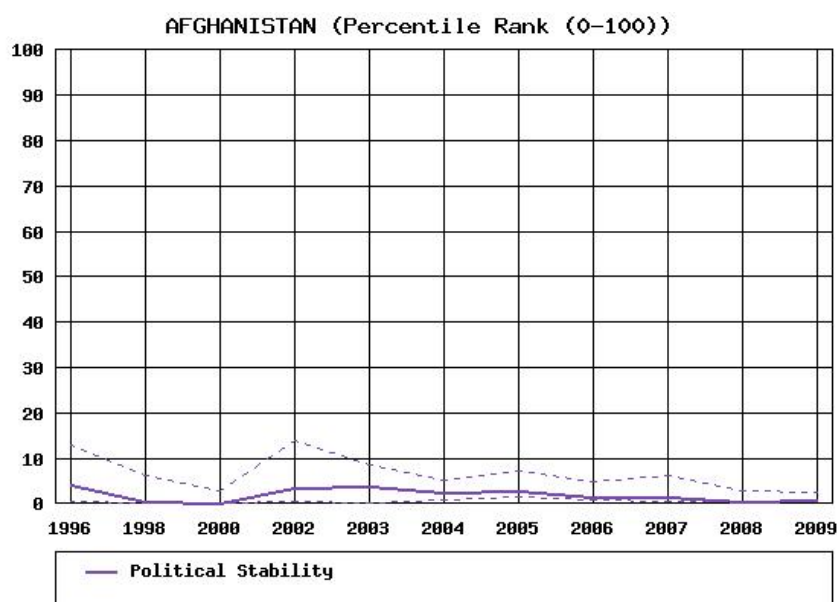


Figure 6.05 Political Stability in Afghanistan using 95% confidence level<sup>699</sup>

The governance indicator used measures perceptions of the likelihood that the government will be destabilised or overthrown by unconstitutional or violent means, including domestic violence and terrorism<sup>700</sup>. As can be seen in this figure, the indicators are still very low. This means that hardly any countries register lower figures for this indicator than Afghanistan. And this is the case even

<sup>696</sup> Gross (2009), p. 13

<sup>697</sup> Cf. Security Sector Reform Resource Centre (2010) and Steiner (2010), p. 10

<sup>698</sup> Davies and Todd (2008), p. 14;

<sup>699</sup> Kaufmann, Kraay and Mastruzzi (2010)

<sup>700</sup> Ibid., p. 4

after 10 years of international engagement<sup>701</sup>, which is certainly the reason why the security aspect is raised in all sorts of contexts, whether with respect to democracy<sup>702</sup>, governance<sup>703</sup>, economic development<sup>704</sup> or elections.

AREU discovered that when talking about security issues with rural people, their major concern was with fundamental activities such as ‘leaving the house after dark if necessary, getting medical attention for sick relatives, going to school or work each day, tending livestock-which are prevented or hindered by the threat of violence’<sup>705</sup>. Considering that these daily routines are still so heavily dependent on the security environment, it stands to reason that the security situation is still not at an acceptable level and needs further improvement. As was discussed in the theoretical debate about state-building in previous chapters, it is striking that there is still such a significant deficiency in this field, as it is generally argued that the establishment of security (or cessation of large scale violence) is actually considered a prerequisite for reconstruction. The EU acknowledges this problem in its mid-term review, stating that ‘deteriorating security is the overarching factor that hampers the establishment and expansion of basic public services in progressively larger parts of the country. [...] Where military superiority is achieved in areas, it is often not matched by sufficient local capacity in governance and law enforcement to ensure lasting peace and sustained political and economic integration’<sup>706</sup>. In later reports, the lack of security was stated as the reason for incomplete disbursement of project funds.

This lack of government capacity is troublesome, as the literature on human security requires ‘states to play a central role in protecting and securing people’<sup>707</sup>. Duffield specifically emphasises reinstating of the state when indicating that ‘while human security embodies security and development inflections, it is security that informs a state-oriented technology of intervention’<sup>708</sup>. Why is the application of human security so important in the context of Afghanistan? The main problem is that human security is ultimately ‘invisible’, but for a fragile country like Afghanistan it is of importance to prevent it from becoming a safe haven for terrorists yet again<sup>709</sup>.

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<sup>701</sup> An in-depth analysis of the security situation and of the actors creating insecurity can be found in Steiner (2010), Chapter 1

<sup>702</sup> Cf. Larson (2009), Larson (2011)

<sup>703</sup> Saltmarshe and Medhi (2011)

<sup>704</sup> Byrd and Guimbert (2009)

<sup>705</sup> Larson (2011), p. 34

<sup>706</sup> EEAS (2011a), p. 8

<sup>707</sup> Duffield (2007), p. 111. Cf. also Chapter 5 of that volume on the debate on “Human Security and Global Danger”.

<sup>708</sup> Ibid., p. 121

<sup>709</sup> Gutlove, Thompson and Russell (2004), p. 205 referring to President Karzai’s visit to Washington DC in 2003 as the attention shifted to Iraq.

Last but not least, it must be recalled that in the context of security provision and EU involvement, that – if taking Nye’s differentiation between soft and hard power<sup>710</sup> - the EU is more of a soft power than a hard power and its approach to security issues is therefore slightly different from e.g. that of the US or NATO. This is due to the fact that the EU does not have a standing army at its disposal and is not a military security enforcer. Instead it is known for missions supporting the Rule of Law, which are associated with security but are mainly police missions.

#### **b) Present situation in the state-building element “Institutions”**

In the context of the functioning of state institutions, the challenge to influence effective public administration in Afghanistan is considered by some to have failed: ‘the legitimate expectations of the Afghan people towards the state could not be fulfilled despite some initial successes’<sup>711</sup>. After the long civil war in Afghanistan there were not many institutional structures left. This is noted in the CSP 2007-2013:

‘...attempts to establish a stable state structure have failed in Afghanistan, as a result of which its rulers have been left dependent on either outside powers’ financial and material assistance or manipulation of its internal power structures. Because of excessive personalisation of power and reliance on ethnic networks, institutions have remained weak and unable to ensure continuity of the state in the event of a change in regime. The weakness of the state has been reflected in the tendency for over-centralisation, which has strained further the relations between the centre and the provinces’<sup>712</sup>.

While progress in state-building has been made, Afghan state institutions still remain weak with a particularly fragile hold on provincial administration. The fact that Afghanistan inherited an almost non-existent state system in 2001 is seen as the cause for hindering the delivery of medical, health and police services<sup>713</sup> and for the fact that the economy has nearly come to a standstill (excluding opium production). The state of local governance has frequently been criticised as AREU already noted in a 2005 briefing paper, that ‘[l]ocal government is the face of government for most Afghans, yet reform at the local level has to date been slow and difficult’<sup>714</sup>. In the same paper the state of fiscal and administrative processes is described as ‘weak, ineffective and, in some places, corrupt’. One of the main problems is that while Afghanistan is a politically unitary state, it is fiscally centralised in Kabul, leaving most budgetary and staffing decisions to be taken in the capital. On the other hand, persistent armed conflict in Afghanistan has led to the departure of many (primarily educated) Afghans from the country and combined with a low literacy rate this places considerable constraints on filling roles in government at all levels (but

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<sup>710</sup> Cf. Nye (2004)

<sup>711</sup> Steiner (2010), p. 48 (author’s translation)

<sup>712</sup> European Commission (2007f)

<sup>713</sup> European Union (2005)

<sup>714</sup> Lister (2005), p. 1

particularly at the sub-national level)<sup>715</sup>. Additionally, international support to the governance system in Afghanistan is hindered by it being quite different from the Western style<sup>716</sup>. Until the present day, Afghan governance remains ‘largely informal and varies widely across the country’<sup>717</sup>. The issue of improving governance in conjunction with state-building efforts has been approached in a ‘piecemeal fashion...the result has been the creation of a confusing and incoherent array of institutions with unclear responsibilities, resources, and relationships’<sup>718</sup>. Some critics might say that this sounds just like the EU and other international institutions.

Government regulatory quality in Afghanistan is depicted in Figure 6.6. The graph ‘captures perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development’<sup>719</sup>. The slight dip in 2000 is self-explanatory in that it reflects the civil war within the country just before the Taliban were ousted in 2001. The slight rise in 2004 mirrors the elections having taken place in that year. Interestingly enough, the perception of the government’s ability decreases once more in the years after this point.

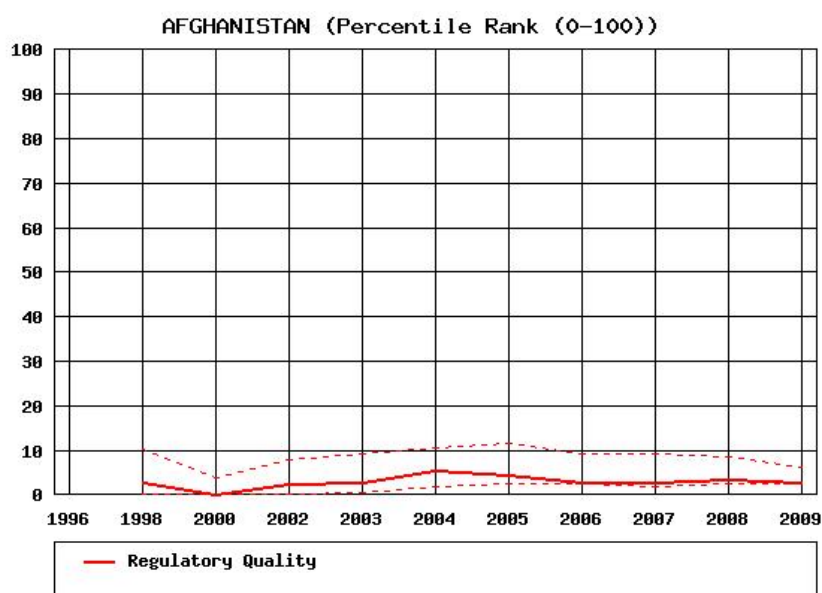


Figure 6.06 Regulatory Quality in Afghanistan using 95% confidence level<sup>720</sup>

Another grave problem in the governance sector is the issue of “duplication”. Much of the growth in ministries is fostered by donor priorities since they provide the funding. Some programmes are generated ‘to meet the strategic requirements of donors as well as their own [the

<sup>715</sup> Cf. Nixon (2008)

<sup>716</sup> On the discussion of local governance patterns and the notion of Qawm and Manteqa see Favre (2005)

<sup>717</sup> Nixon (2008), p. 11

<sup>718</sup> Ibid., p. 14

<sup>719</sup> Kaufmann, Kraay and Mastruzzi (2010)

<sup>720</sup> Ibid.

ministries]<sup>721</sup>. This duplication is evident in the following development of local government structure: the two main Ministries responsible – the Independent Directorate for Local Government (answerable to the President) and the Ministry of Rural Rehabilitation and Development - have developed the *Afghanistan Social Outreach Program* and the *National Area Based Development Program* respectively, which overlap in their responsibilities. But duplication does not stop here; it continues with the donors. While the UNDP administers the *National Area Based Development Program* through the Ministry of Rural Rehabilitation and Development, the World Bank is concerned with the development of the *National Solidarity Program* through that same ministry. (The ministry itself receives funds from the World Bank through the ARTF.) This would not be a problem if the two programmes were synchronised with the *Independent Directorate for Local Government* policy<sup>722</sup>. Government effectiveness suffers greatly from the problem of these (and other) parallel structures. Such circumstances naturally have a negative influence on the perception of government effectiveness as portrayed in Figure 6.7. Parallel structures in fragile states are particularly difficult to handle, because on the one hand they may be necessary in order to deliver the service resulting from a lack of capacity on the government's side; but on the other hand, the international community cannot expect improvement in government performance if ministries cannot co-ordinate development programmes themselves or are not seen to be providing the public goods, but seem to be reliant on donors. Banerjee notes that in 2006-2007 'the Afghan government controlled only 30% of the total development funds; 70% was invested through parallel mechanisms'<sup>723</sup>.

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<sup>721</sup> Saltmarshe and Medhi (2011), p. 55

<sup>722</sup> Cf. on this matter *ibid.*, particularly sections 5.5, 6.2 and 7.2

<sup>723</sup> Banerjee (2008), p. 251



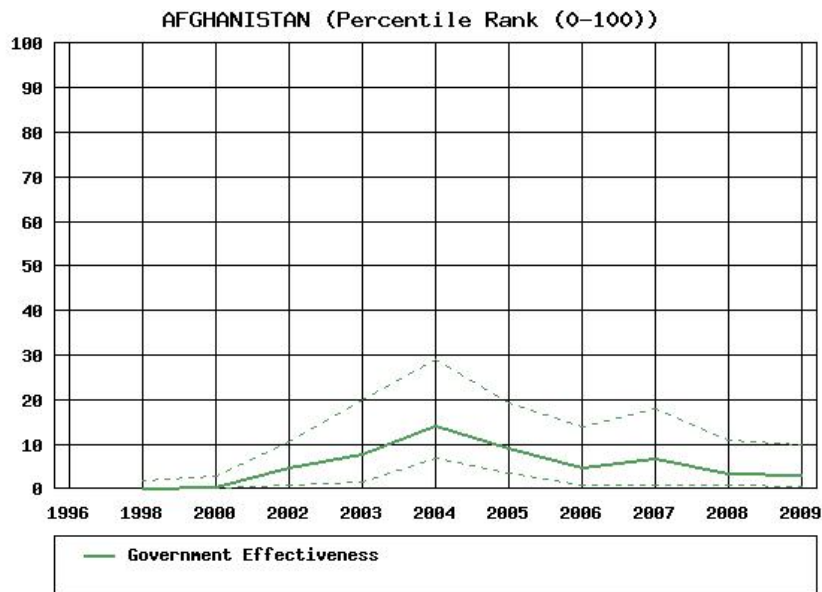


Figure 6.7 Government Effectiveness in Afghanistan using 95% confidence level<sup>724</sup>

The government's effectiveness is further hindered by its dependence on external aid, reflected in its current inability to 'pay for its recurrent expenses, mostly salaries and office supplies'<sup>725</sup>, a target which was supposed to be met in 2009/10 and is now only expected to be reached perhaps in 2013/14.

According to AREU 'Afghans generally have a strong interest in how their country is and should be governed'<sup>726</sup> and this enthusiasm was demonstrated by the unprecedented voter turnout for the Presidential elections in 2004 and the elections to the Wolesi Jirga in 2005. But this willingness to select representatives through elections does not necessary coincide with western democracy<sup>727</sup>, in the sense that democracy is seen as an imported concept laden with Western social values and ideals. It is not that Afghanistan does not have a history of elected representation – although members were not usually elected by popular vote<sup>728</sup>. Considering its history, it is apparent that for most Afghans "democracy" is not synonymous with the positive qualities that Western liberal theory attaches to it (freedom, human rights, justice, rule of law, economic development and security), but it is used by 'powerholders in and outside the government in what might be considered highly "undemocratic" ways'<sup>729</sup>. This is in line with the conclusion previously mentioned that the concept of statehood developed in Western Europe 'does not and has never

<sup>724</sup> Kaufmann, Kraay and Mastruzzi (2010)

<sup>725</sup> Sinha (2009)

<sup>726</sup> Lough (2011)

<sup>727</sup> Cf. Larson (2009), Larson (2011), Lough (2011)

<sup>728</sup> See Larson (2009), p. 8 for a timeline of elections in Afghanistan starting with the ratification of the constitution in 1931

<sup>729</sup> Larson (2011), p. 3

existed in a country where relationships between various communities and the state being [sic] determined by “externality and compromise”<sup>730</sup>.

For the 2004 election a total of 10,567,834 voters were registered, of which 41.3% were women. This was considered quite an achievement, but the ‘confidence in the accuracy of the voter registration was significantly undermined by the high level of “over-registration”<sup>731</sup> which was caused by multiple registration. The EOM 2004 report found that

‘the procedures for issuing voter registration cards contained insufficient safeguards to prevent any person from collecting multiple voter registration cards; because of the general absence of formal identification documentation, voters were allowed to be registered at any registration site they chose, merely upon oral confirmation of their identity and eligibility. There was no realistic procedure to allow the information provided by the voter to be verified or to be cross-referenced against data from other registration sites.’<sup>732</sup>

The fact that the election took place despite continuous threats by the Taliban was hailed as a success for the election administration. Voter turn-out for the 2004 presidential election was 70% and Hamid Karzai was elected president with 55.4%<sup>733</sup>. Bearing in mind that Afghanistan is a post-conflict country with on-going insurgency, this is indeed an achievement. In its report on the elections the International Crisis Group listed the security provision as “what worked”, but noted with concern the problem of the indelible ink. The ink was supposed to remain ‘indelible for five days, to identify voters who had cast ballots’ but due to confusion and faulty application this was not the case and voters could easily wash it off<sup>734</sup>. The report criticises Karzai for not accepting the scale of the problem and downplaying complaints.

The 2005 elections were still marked by the registration flaws characterising the 2004 registration (despite a correction period initiated beforehand) and voter participation dropped to 6.4 million<sup>735</sup>. Although polling was hailed a success, there were several issues with the poll: widespread allegations of fraud (ballot stuffing, proxy voting and intimidation of voters intended to influence

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<sup>730</sup> Ibid., p. 6 quoting Roy (1994), p. 148. There is a vast volume of literature which also discusses the compatibility of Islam and democracy. This thesis assumes that there is nothing in the Koran preventing democratic governance systems, but is aware of the debate on the subject. For further references on this debate see Kepel (2004), Ayubi (1997), Esposito and Voll (1996), Hofmann (2004), Larson (2011), Salamé (1994), The Economist (2011), Volpi (2003)

<sup>731</sup> European Union Democracy and Election Support Mission to Afghanistan (2004), p. 12

<sup>732</sup> Ibid., p. 10

<sup>733</sup> Hunzinger (2007), p. 101

<sup>734</sup> On the issue of problems with the indelible ink, see International Crisis Group (2004) and European Union Democracy and Election Support Mission to Afghanistan (2004)

<sup>735</sup> European Union Election Observation Mission to the Islamic Republic of Afghanistan (2005a), p. 31

their choice of candidate)<sup>736</sup> and numerous reports of intimidation of candidates, voters and election staff – even the killing of seven candidates prior to election-day<sup>737</sup>. Much more disappointing for the efforts of the EU was the fact that despite strong advice against the Single-Non-Transferable Voting System including a démarche issued on the subject, Karzai (with the support of the US ambassador) ignored this advice. The reason for the EU’s apprehension concerning this system was that Afghanistan has no political parties<sup>738</sup> as such, but 5800 individual candidates (in the case of the national assembly)<sup>739</sup>. More worrying is that Afghanistan still sees campaigning and voting largely along ethnic lines.

The 2009 elections took place in a much more fragile and insecure environment than previous elections conducted after the fall of the Taliban. The growing insurgency not only put pressure on the democratic process but also manifested itself in lower voter turnout and in significant fraud in parts of the country<sup>740</sup>. Official statements placed the voter turnout in 2009 at 31.4%, which would indicate a drastic decline from the estimated 70% in 2004<sup>741</sup>. Again the practice of voter registration was questionable. In an attempt to “update” the register, ‘4.7 million additional voter cards’ were issued, which together with the previous 12.5 million meant that well over 17 million voter cards were in circulation, leaving room for speculation about the number of duplicates (‘several millions are likely to have been duplicates’)<sup>742</sup>. While biometrics-based measures of identification (fingerprints) were used to detect multiples in the newly issued voter cards, this did not impede the validity of previously issued cards. The EU recommended establishing an accurate voter register, but the IEC – in consultation with Karzai – opposed the suggestion<sup>743</sup>. The EU Election Observation Mission noted that ‘no voter list was printed or displayed at any stage anywhere in the country to serve the voters and contribute to fraud prevention’<sup>744</sup>. While the previously regretted lack of political parties had by that time increased to 138 registered parties, these have only made a very slight contribution to the country’s institutional and political life. In coherence with the stipulations in the DDR programme, some 50 candidates were excluded on grounds of their affiliation with Illegal Armed Groups<sup>745</sup>. Further fraudulent behaviour was

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<sup>736</sup> European Union Election Observation Mission to the Islamic Republic of Afghanistan (2005b)

<sup>737</sup> European Union Election Observation Mission to the Islamic Republic of Afghanistan (2005a)

<sup>738</sup> On the lack of political parties in Afghanistan and explanations of the background to this phenomenon, see Saltmarshe and Medhi (2011), pp. 47-49

<sup>739</sup> Cf. International Crisis Group (2005), p. 12ff

<sup>740</sup> Cf. EEAS (2011a)

<sup>741</sup> Steiner (2010), p. 58

<sup>742</sup> European Union Election Observation Mission to the Islamic Republic of Afghanistan (2009), p. 5

<sup>743</sup> The EOM report observed that the percentage of female “ghost voters” was particularly high due to over-registration.

<sup>744</sup> European Union Election Observation Mission to the Islamic Republic of Afghanistan (2009), pp. 23

<sup>745</sup> Cf. *Ibid.*, pp. 24-25

uncovered, indicating that Karzai and other government officials had used state resources to advance their election campaign<sup>746</sup>. All these accounts of fraud called for an extensive re-count; but a second round of elections did not take place as the main opposition partner withdrew, leaving the post of president to Karzai<sup>747</sup>. AREU findings concerning these fraud allegations revealed that many interviewees were not too concerned about the allegations, stating that

‘legitimacy for most voters is about having trust in the government and the satisfaction of certain expectations. The legitimacy of the elections were not as damaged by accusations of fraud as some have concluded because legitimacy for many Afghans is more about outcomes than processes, and the legitimacy of Karzai’s new government is based more on what he will now deliver than how he came into office’<sup>748</sup>.

These findings certainly highlight the differences between the Afghan and Western understanding of what makes an election legitimate. Bearing in mind the quotation above, the indicators for government effectiveness<sup>749</sup> (Figure 7.7.) would have been even more telling if they had been continued into the years following the 2009 elections; but the governance indicators for later years had unfortunately not been updated at the time of writing<sup>750</sup>.

As the analysis and most of the graphs have indicated, developments in Afghanistan fluctuate and mostly pivot around key events. But how is it that the increase in effectiveness cannot be sustained in the different sectors? Are these chance occurrences, simply fed by the enthusiasm of the moment? It will indeed be interesting to examine whether the EU has been able to learn and employ its learning in this state-building element.

### **c) Present situation in the state-building element “Civil and Political rights”**

Contrary to the World Bank Governance Indicators, the Freedom House Index (shown in Figure 6.8) is rated from 1-7 (1 representing the highest level of freedom). Afghanistan rated 7 under the Taliban and had no political rights to speak of, combined with a lack of authority and functioning central government and ruled by violence and warlords. Civil liberties were non-existent and freedom of expression unheard-of. With the removal of the Taliban, the holding of the Loya Jirga and the resulting establishment of the Transitional Government, both indices improved to a value of 6, representing restricted political rights and civil liberties.

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<sup>746</sup> Ibid., p. 28

<sup>747</sup> EEAS (2011a), p. 8

<sup>748</sup> Coburn (2009), p. 3

<sup>749</sup> Government effectiveness as defined by Kaufmann, Kraay and Mastruzzi (2010) captures perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies.

<sup>750</sup> World Bank (2011b)

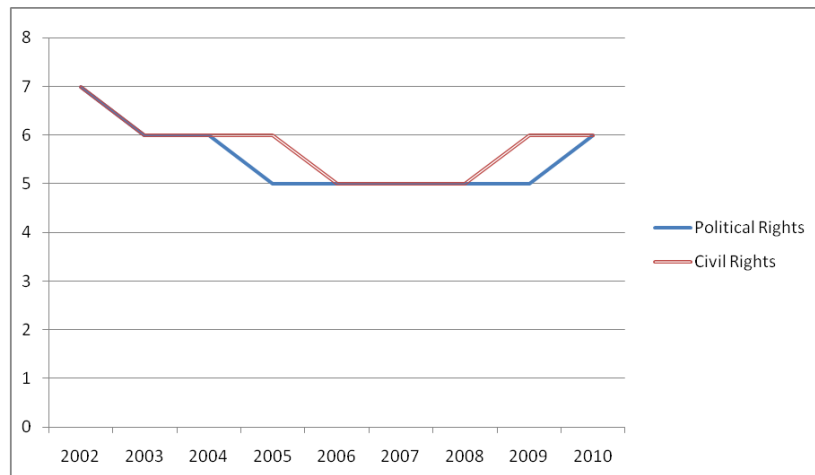


Figure 6.08 Freedom House Index for Political and Civil Rights in Afghanistan<sup>751</sup>

Both political and civil rights improved somewhat with the 2004 elections. Political rights were quicker to respond – increasing to a level of 5, which has been the best value so far – implying lower-end moderate political rights, since elections had indeed taken place but were flawed and the security situation was still fragile. Political rights deteriorated after the 2009 elections. Freedom House explained its downward rating with the ‘rising insecurity and increasing corruption and inefficiency in government institutions’<sup>752</sup>. Civil rights only improved to level 5 for a period of about 2 years from mid-2006 onwards. One might have expected the civil rights index to deteriorate further in 2009, considering that – despite the protests of the EU and many other Western leaders<sup>753</sup> – Karzai passed an amended marital law, which ‘allows a man to withhold food from his wife if she refuses his sexual demands; a woman must get her husband's permission to work; and fathers and grandfathers are given exclusive custody of children’<sup>754</sup>. With both indicators having fallen back to a value of six, the current values are only marginally better than during the reign of the Taliban.

Figure 6.9 shows the Indicator for Voice and Accountability, reiterating the development depicted previously as it ‘captures perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media’<sup>755</sup> (all of which are elements of political and civil rights). While the indicator “peaked” slightly around 2002 (Loya Jirga) and for the 2004 and 2009 elections, the indicator is on a downward trend – again falling below the 10<sup>th</sup> percentile<sup>756</sup>.

<sup>751</sup> Data taken from Afghanistan Country Reports 2002-2010, cf. Freedom House (2011)

<sup>752</sup> Freedom House (2009)

<sup>753</sup> CNN International Online (2009), P6\_TA(2009)030, European Parliament (2010)

<sup>754</sup> Rainsford (2009)

<sup>755</sup> Kaufmann, Kraay and Mastruzzi (2010)

<sup>756</sup> The 2011 value of the governance indicator is in fact below the 10th percentile. World Bank (2011c)

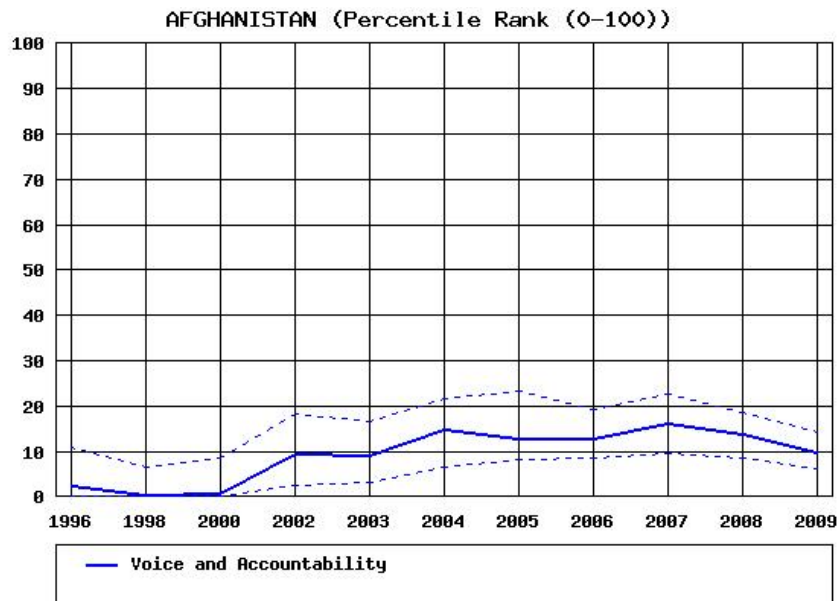


Figure 6.09 Voice and Accountability in Afghanistan using 95% confidence level<sup>757</sup>

Despite the efforts of EUPOL and its special prosecutors, the Indicator for the Control of Corruption (Figure 6.10) – which measures the perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests – is still rather disappointing: while there is an increase, it is so marginal that it would be over-enthusiastic to see a positive development:

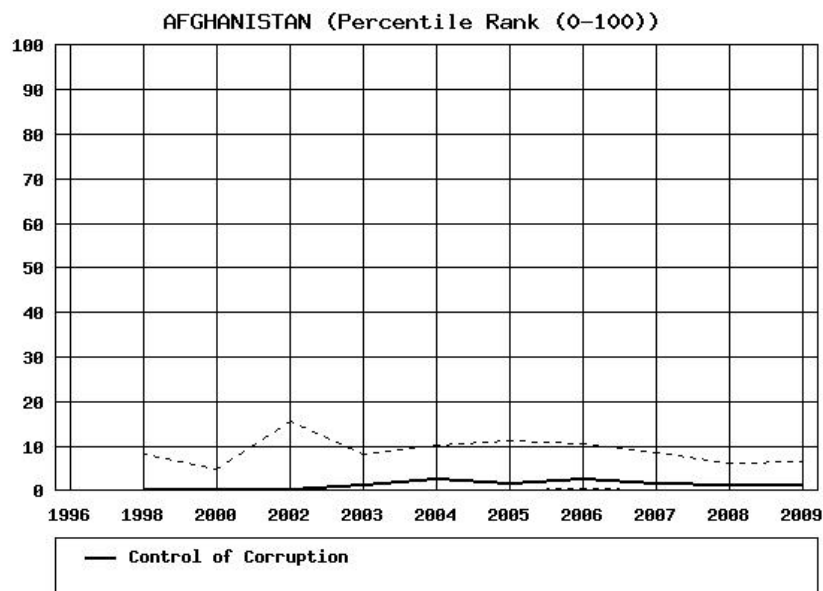


Figure 6.10 Control of Corruption in Afghanistan using 95% confidence level<sup>758</sup>

With this in mind, it comes as no surprise that Transparency International rated Afghanistan the second most corrupt country in the world in 2009.<sup>759</sup> Afghan society has its own understanding of

<sup>757</sup> Kaufmann, Kraay and Mastruzzi (2010)

<sup>758</sup> Ibid.

what constitutes corruption; it includes ‘bribery, extortion, nepotism, co-optation of powerholders, and outright theft from state coffers’ and also features some actions which might not be classified as corruption by national and international policy-makers, e.g. ‘experiencing significant delays or facing bureaucratic difficulties or obstructionism’<sup>760</sup>. This intrusion of corruption into nearly all interactions between the state and its citizens is referred to as a “bazaar economy”<sup>761</sup>. Particularly with respect to corruption in state institutions, the matter is quite complex; in an attempt to aid stabilisation – and in order to obtain support at lower governmental levels – a form of co-optation is frequently employed by Karzai. In a way this is nothing more than rendering state positions purchasable, especially as such positions are then frequently exploited to recuperate the initial investment in order to generate illicit resources<sup>762</sup>.

This institutionalisation of corruption might well be the underlying factor for the disappointing development in these governance indicators. It serves well to recall at this instance the striking difference between the Afghan definition of state-building (AREU definition) which placed a strong emphasis on governance and the international and academic definitions. But how has the RoL fared considering that it is one of the EU’s focal points?

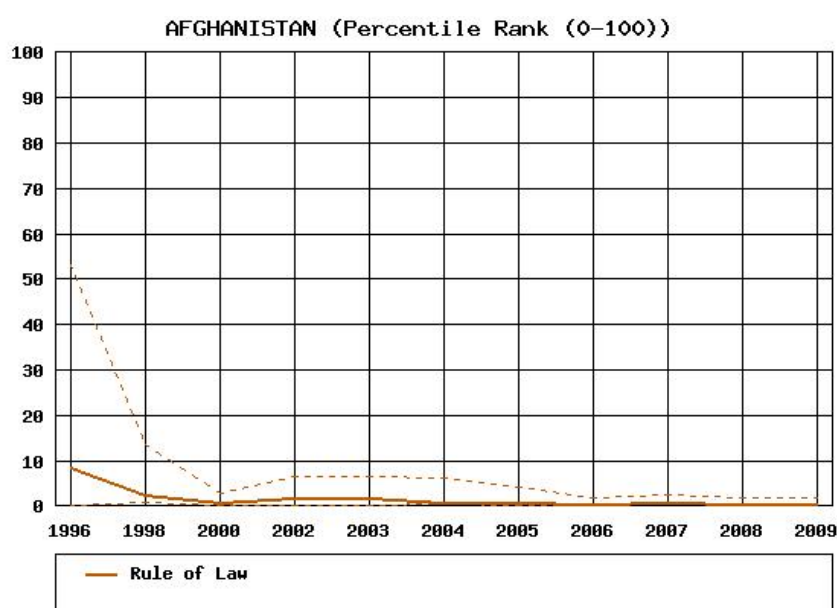


Figure 6.11 Rule of Law in Afghanistan using 95% confidence level<sup>763</sup>

<sup>759</sup> Cf. Transparency International (2009)

<sup>760</sup> Gardizi, Hussmann and Torabi (2010), p. 6 and p. 7

<sup>761</sup> A term already used by Schetter to describe Afghan Economy as a whole as early as 2002 (cf. Noelle-Karimi, Schetter and Schlagintweit (2002))

<sup>762</sup> Cf. on this discussion Gardizi, Hussmann and Torabi (2010), pp. 17-20

<sup>763</sup> Kaufmann, Kraay and Mastruzzi (2010)

The development of the Rule of Law Indicator (Figure 6.11) – which captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence<sup>764</sup> – is particularly disheartening as it has been a focus area of EU state-building efforts. It lends credit to the theory that under the Taliban the enforcement mechanisms were more effective than at present, and that they even contributed positively to the security environment in Afghanistan at first. At the beginning of the international engagement, police reform did not attract the necessary attention and the figures stalled (Figure 6.12). But in the EU's view, EUPOL is now (after some years of self-admitted stalemate)

‘supporting the reform process towards a trusted police service working within the framework of the rule of law and respecting human rights. The mission monitors, mentors, advises and trains at the level of the Afghan Ministry of Interior, central Afghan administrations, regions, provinces and districts’<sup>765</sup>.

An interesting development with respect to EU support to the Afghan police is that previously the salaries of the police force were paid solely by LOTFA, but in 2011 the Ministry of Finance for the first time agreed to pay 3% of police base salaries in 2011 and 7.5% in 2012<sup>766</sup>. This step not only shows the initial willingness but also ability of the Afghan Government to assume recurrent remunerations costs, hereby ensuring long term financial sustainability of police salaries but also increasing the legitimacy of the state by providing public goods such as the provision of police.

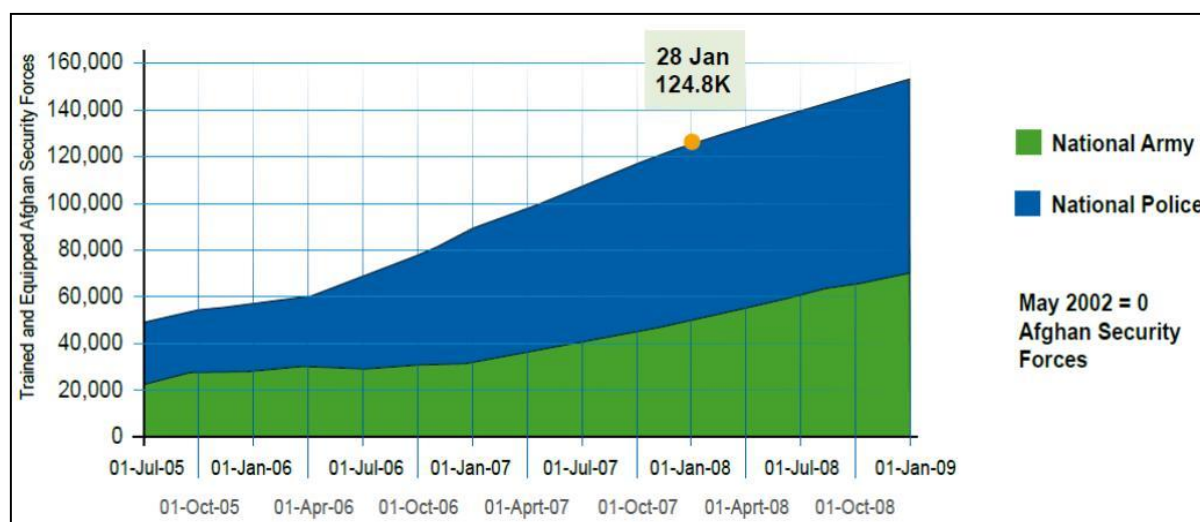


Figure 6.012 Afghan National Security Forces<sup>767</sup>

In 2010 EUPOL reported that it had trained 575 Afghan Police Trainers<sup>768</sup>. The increase in commitment towards the building of a police force under Afghan ownership has resulted in an

<sup>764</sup> Ibid.

<sup>765</sup> EU Council Secretariat (2010)

<sup>766</sup> Cf. European Commission (2011a), p. 7

<sup>767</sup> NATO (2008)

<sup>768</sup> EU Council Secretariat (2010)



increase in numbers - not only in terms of police trainers but also of the national police numbers themselves, as depicted in Figure 6.12.

The slow start to the training of the Afghan police force was only surpassed by the initial disinterest in justice sector reform<sup>769</sup>. While the “Justice for all” programme was adopted by the Afghan Government in 2005, it still has not been implemented<sup>770</sup>. After pressure from UN Secretary General Ban Ki-moon, the justice programme has now become a priority under the ARTF. One of the problems underlying Afghanistan’s justice system is the mixture of civil and Sharia law. While the 2004 Constitution forms the primary basis of law, there are areas not governed by constitutional law. In such cases the court will apply the statutory laws, Islamic law being applied where neither law covers the dispute in question. The main problem is that in practice judges do not have access to legal texts or may not be properly trained<sup>771</sup>. Thus Afghanistan is still in a state of transitional justice. AREU research indicates that despite the ‘scale and length of the violence, there has been no accountability in Afghanistan for past crimes between any of the phases of war’<sup>772</sup>. This diminishes the status of the justice system significantly, if the victims of past crimes see the perpetrators of such human rights violations occupying positions in government or their communities. Karzai exacerbated the problem further when he passed the Amnesty Law by the National Assembly in 2007. This amnesty means that ‘all the political wings and hostile parties who had been in conflict before the formation of the interim administration’ and ‘those armed people who are against the Government of Afghanistan, after the passing of this law, if they cease their objections, join the national reconciliation process, and respect the constitutional law and other regulations of Islamic Republic of Afghanistan’<sup>773</sup> are included.

In one of their evaluations, AREU came to the conclusion that the justice sector ‘was viewed with deep mistrust, especially in rural areas. Slow, inaccessible, complex, expensive and corrupt, its failings were contributing substantially to a loss of trust in government as a whole’<sup>774</sup>. This deeply rooted scepticism regarding the legitimacy and the accessibility of the judiciary manifests itself in an increased use of informal justice. Such informal sources of justice include ‘ulema, Ministry of

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<sup>769</sup> Cf. Gross (2009)

<sup>770</sup> EEAS (2011a), p. 2

<sup>771</sup> Cf. Gross (2009), p. 38.

<sup>772</sup> Winterbotham (2010)

<sup>773</sup> Ibid., footnote 11

<sup>774</sup> Saltmarshe and Medhi (2011). 27

Hajj and Religious Affairs, provincial councils, maliks and local shuras or jirgas'<sup>775</sup>. This development needs to be considered when evaluating further programmes in the justice sector. While the rule of law and police provision elements are improving – albeit very slowly, as can be seen from the graphs – the justice sector is crucial for both to succeed.

#### d) Present situation in the state-building element “Economic and Social rights”

Afghanistan remains a least developed country. GDP has been increasing, but is still at a very low level (Figure 6.13). Taking the year 2008 as a means of comparison, Afghanistan had a GDP of around \$1100 while the two neighbouring countries Pakistan and Turkmenistan had a GDP of \$2400 and \$6600 per capita respectively<sup>776</sup>.

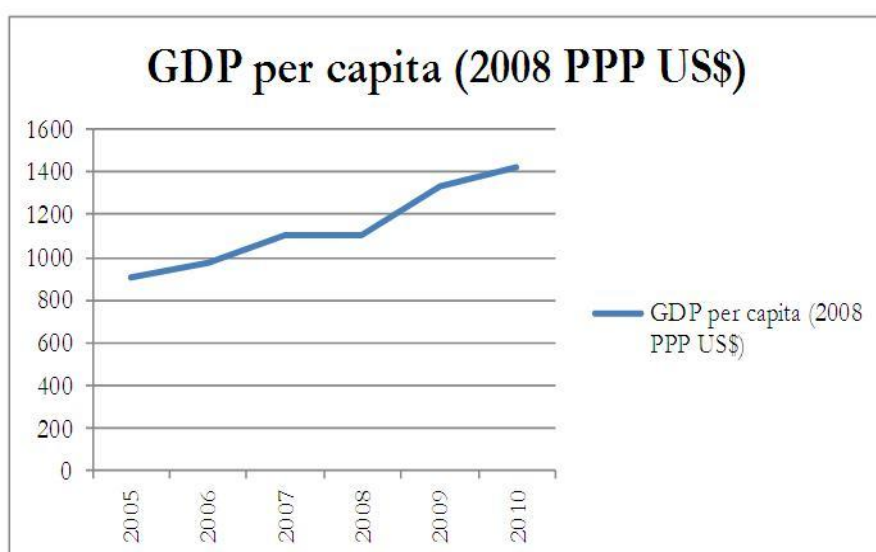


Figure 6.013 Afghanistan GDP per capita<sup>777</sup>

Poverty is therefore considered a great obstacle to Afghan development, but AREU criticises the international communities' view of poverty as a 'simplistic and apolitical understanding of poverty as an individual material condition'<sup>778</sup>. They maintain that even the 'ANDS exemplifies this through a poverty analysis that mainly describes the condition of poverty instead of understanding how the different risks and insecurities households face – including those associated with how institutions work and who can access them – create and sustain poverty'<sup>779</sup>. The EU associates the prevalent poverty in Afghanistan with the prevailing dependence (about 80%) on agriculture and associated livelihoods in which seasonal and chronic unemployment is common and increasing.

<sup>775</sup> Ibid., p. 25 (emphasis in original excluded)

<sup>776</sup> The data for Pakistan and Turkmenistan is taken from the CIA World Factbook 2010, and while the data provided are the Countries' GDPs of 2008 the purchasing power parity is of 2010.

<sup>777</sup> Data for Graph taken from UNDP (2010)

<sup>778</sup> Kantor (2010)

<sup>779</sup> Ibid.

Due to this high level of food insecurity<sup>780</sup> which is caused by this strong dependence, the EU support went to several areas associated with agricultural development. Government institutions in these rural areas, whose task it should be to maintain or rebuild these sectors, are fundamentally too weak to achieve this. The infrastructure needed to sustain a working agriculture, such as irrigation and roads, is in decay. Furthermore, the agriculture sector has to battle with other war-related effects, such as returning former combatants or a complete neglect for the environment. As agriculture constitutes 85% of Afghanistan's legal economy and provides employment for about 2/3 of all Afghans, support to agriculture is essential for a working legal economy, especially in conjunction with the issues regarding illicit opium production<sup>781</sup>. Because of the importance of the agriculture sector, many institutional stakeholders are nevertheless trying to intervene.

Hunzinger describes the water-sector as a fitting example for the current institutional structure<sup>782</sup>. This sector is split into drinking water supply and irrigation for farming, but no less than four different ministries claim the responsibility to manage and regulate matters – making any development or establishment of a coherent policy and regulatory framework impossible. Improvements in the irrigation systems have led to a production increase by 65000 tons of cereals, which have directly benefitted about half a million Afghans<sup>783</sup>. By improving water-use efficiency, the area under double cropping has been increased from 5% to 15% of the total canal area, with the EU having concentrated its efforts on six sub-basins of the Panj-Amu river in Northern Afghanistan. Additionally, the irrigation sector has benefitted from an improved legal framework and capacity building by protecting 40% of Afghan water resources<sup>784</sup>. Through EU funding, the Veterinary Diagnostic Laboratory network has also further expanded into 4 regional and 10 provincial laboratories and the horticulture and seed industry has profited from the commercialisation of quality certified seeds. For example an estimated 30,000Mt of certified wheat seeds was harvested in 2011 and delivered to Afghan farmers for the coming harvest season<sup>785</sup>, therefore directly tackling food insecurity and providing an alternative to opium production.

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<sup>780</sup> European Commission (2011b), p. 6

<sup>781</sup> Hunzinger (2007), referring to the Government of Afghanistan Millennium Development Report 2005

<sup>782</sup> Cf. on this example see *ibid.*, pp. 23-24. On water management cf. e.g. Steiner (2010), pp. 90-92.

<sup>783</sup> European Commission (2011b), p. 6

<sup>784</sup> EEAS (2012)

<sup>785</sup> European Commission (2011b), p. 7

Well-meaning programmes such as “cash for work” are intended to provide work for the many unemployed in Afghanistan; these programmes are sometimes also combined with “food for work” programmes. Some of the rural access roads constructed by the EU employed this scheme<sup>786</sup>. While these programmes and the support given to sectors in the economic development programmes are important, the focus on economic policy and the delivery of resources neglects the issue of social systems – ‘who benefits from growth, job creation or resource access, or to how institutions such as markets and the state may work in favour of some groups over others’<sup>787</sup> – which is highly developed in Afghanistan. The economic problems facing ordinary Afghans need a more culture-tailored approach. Increasing land fragmentation, for example, is partly due to Islamic inheritance laws. And as a result of the on-going lack of security and of a national welfare system, people are dependent on non-state networks such as family relations in order to access credit or provide safety nets. The establishment of Community Development Councils (CDCs) is one step in the right direction. The work of these CDCs is looked upon favourably by the EU<sup>788</sup>; and this bottom-up approach should be emphasised further.

In the sector of border management improvement, it should be noted that since the establishment of the border post in Torkham in 2007 this now accounts for almost 20% of customs revenue and 10% of total Afghan revenue.<sup>789</sup> Hence not only has security across that border been increased, but customs revenue also generates state income which can now be used by the GoA for other expenditure – increasing the government’s credibility and providing necessary capital for the state-building process. Without programmes like this, which generate state income, Afghanistan will remain a rentier state, dependent on development aid from the international community.

The production of opium is still high – although after a peak in 2007 it is declining (cf. Figure 6.14). What is interesting to note here is that although Afghanistan has always had a history of opium production, production levelled out at 50-100 thousand hectares until the Taliban banned poppy production in 2000<sup>790</sup>. In 2007 the production of opium still comprised 47% of GDP<sup>791</sup> and is therefore still an on-going and serious issue.

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<sup>786</sup> Hofman (2005)

<sup>787</sup> Kantor (2010)

<sup>788</sup> This verdict was stated in several interviews, EU Official (2011b), EU Official (2011c), EU Official (2011d), Turner (2011)

<sup>789</sup> European Commission (2010a), p. 8

<sup>790</sup> UNODC (2002), p. 48

<sup>791</sup> Bennett, Alexander, Saltmarshe, Phillipson and Marsden (2009)

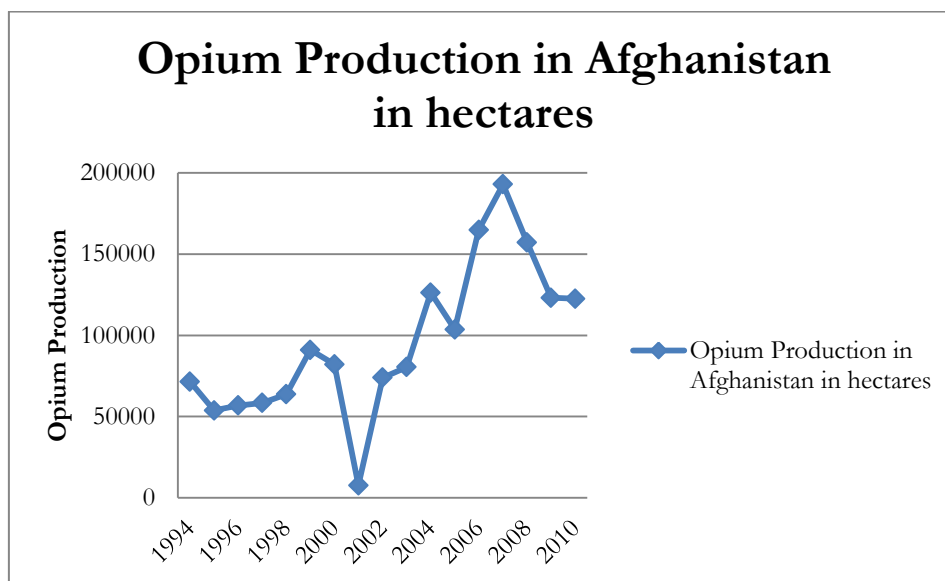


Figure 6.014 Opium Production in Afghanistan 1994-2010<sup>792</sup>

The provision of basic health care facilities through the BPHS has led to an improvement in health care; 66% of the population now has access to health services and health indicators have since improved<sup>793</sup>. Most of the actual health care service delivery was outsourced to NGOs and has proved to be successful<sup>794</sup>.

## Conclusion

This chapter has provided the essential context for the upcoming analysis. Afghanistan is a changing environment, and elaborations of the baseline and outcome line have depicted this with the aid of a number of figures. As each state-building effort is unique, this chapter has also outlined the unique country profile specific to Afghanistan. It has provided an overview of the general EU strategies and of its engagement in the country. As the whole sequence of international reconstruction by the actors involved in Afghanistan (EU, UN, World Bank and others) originates in the Bonn Agreement, the significance as well as the shortcomings of this document have been highlighted accordingly. The commitment of the EU has been demonstrated through the strategy papers, together with a depiction of its general strategy for a political partnership. The chapter has therefore identified the fragile nature of Afghanistan as the last independent variable. Most importantly, the chapter has laid the foundation for the coming analysis by providing the base-line and the outcome-line for each state-building element in turn.

<sup>792</sup> Data taken from United Nations Office on Drugs and Crime (1997-2011), the UNADC issues annual reports from which the figures were taken and then combined in the graph.

<sup>793</sup> European Commission (2008a), action fiche on Health, p. 1

<sup>794</sup> C(2010)8354 - PE/2010/8041, European Commission (2010b), action fiche no 2 on Public Health and Nutrition Sector

From these two lines, it is already apparent that a lot of changes have taken place (and that some are yet to be achieved), and it may be argued that state-building policies have made a considerable contribution to Afghanistan having travelled from the situation depicted in the base-line (situation as per 2001) to the situation depicted in the outcome line (situation as per 2010). The policies with which this thesis is concerned are the EU policies with respect to state-building; therefore, against the background of the changes in the situation within the country, Chapter VII will now determine whether these changes are in fact associated with EU policies. Without the given benchmarks for each state-building element, it would be next to impossible to detect any changes in the situation or any signs of policy learning.

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## Chapter VII - Evidence of institutional-learning in EU state-building in Afghanistan

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### *A. Aim and Introduction*

Against the theoretical foundation and the background to the changing environment in Afghanistan established in previous chapters, it will now be possible to provide a definitive answer to the research question of whether IL has taken place in the EU state-building policies in Afghanistan. This chapter will furthermore provide evidence for the claims made and will distinguish between IL and adaptation categories - as defined in the institutional-learning Framework. All those features previously discussed thus feed into the analytical aspect of this chapter. The EU is only one of many actors in the Afghan state-building effort, but as the aim of this thesis is to provide an evaluation of IL and adaptation on the part of the EU, the analysis focusses on learning within EU policies and on its contributions to state-building. It is at this point that the Research Framework is applied in its entirety. Each state-building element is reviewed in sequence, first with respect to EU efforts directly related to this element, and subsequently by questioning whether IL has in fact taken place within these elements. It is at this point that the analysis leads to a conclusion, establishing the cause for this change and determining whether it is indeed learning that has taken place or whether the change is caused by adaptation. If learning is detected, then the analysis will scrutinise the previous findings for evidence of learning from history (success and failure), learning by doing, lesson-drawing as well as policy-transfer. The base-line and outcome line established in the previous chapter provide the evidence of change required to detect learning, particularly learning from history. The changes will be traced through these steps in the form of process tracing through the developments in the relevant documents and policies and the first hand interviews conducted with some of the actors involved. The chapter then concludes with an overall evaluation of institutional-learning by the EU in Afghanistan in the field of state-building, which constitutes the main aim of this thesis.

It must be noted at this point that as it was impossible to acquire data at first hand for developments in Afghanistan on the ground; the analysis relies heavily on third-party evaluations by international organisations and think-tanks. Special attention has been paid to the work of the Afghanistan Research and Evaluation Unit<sup>795</sup> based in Kabul; this unit therefore became a

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<sup>795</sup> AREU describes itself on its website ([www.areu.org.af](http://www.areu.org.af)) as follows: ‘...is an independent research institute based in Kabul. AREU's mission is to inform and influence policy and practice through conducting high-quality, policy-relevant research and actively disseminating the results’. It maintains itself to be an impartial Afghanistan-based



frequently consulted source of information as many of its reports have recourse to in-country surveys. Such surveys would have been impossible for the author to undertake in person due to security concerns even if she had been given permission to conduct field research in Afghanistan herself.

### ***B. EU efforts concerning the security element in state-building***

In 2002 European Union High Representative (EUHR) Javier Solana praised the progress that had been achieved since the Bonn Conference and the efforts undertaken by the Interim Government. He noted at that time that the capacity of the state needed to be enforced, and outlined the key aims of EU assistance to Afghanistan: 1) to support the immediate tasks of stabilisation and reconstruction, 2) to improve the availability and access to food, and to provide alternatives to poppy production, 3) to support sustainable return of internally displaced persons and refugees<sup>796</sup>. Eight years later and towards the end of this thesis's assessment period (2010), the European Union High Representative Lady Ashton was slightly more pragmatic when she declared that

‘the problems facing Afghanistan concern the whole world. Violent extremism extends beyond the region. Drugs grown and produced in Afghanistan find their way to the streets of Europe. Our engagement is spurred by the need to prevent Afghanistan from becoming a safe haven for terrorist and criminal activities. But it is equally important that we promote a better, more secure and prosperous future for the people of Afghanistan. [...] I want to stress that the EU is in for the long haul in Afghanistan’<sup>797</sup>.

Has the situation therefore improved or deteriorated? What efforts has the EU taken in the element of security, and is there an indication that it has changed due to its policies? And subsequently are there indications of IL or adaptation?

#### **i. EU efforts in the field of security**

While EU support in Afghanistan does not comprise a military mission as such, and since the EU has no standing army itself, it is dependent on contributions by its member states for security purposes. Co-ordination of the military mission has been placed in the hands of NATO, and the EU supports the NATO mission in Afghanistan. Twenty-five of the 27 member-states (including NATO members and non-members) participate in ISAF by providing troops<sup>798</sup>. Deployment started in December 2001 and the numbers comprising EU involvement have ‘increased steadily

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voice dedicated to research excellence. It was established in 2002 by the international assistance community working in Afghanistan and its board of directors is made up of representatives from the donors, the UN, the European Commission and other multilateral agencies and NGOs.

<sup>796</sup> Cf. Solana (2002)

<sup>797</sup> Ashton (2010b)

<sup>798</sup> Delegation of the European Union to the United States (2010), p.1. By November 2011, 25 of the 27 member states, with a total of 33441 troops, took part in ISAF (cf. EEAS (2011b)).

over time, from about 3,000 in 2002 to about approximately 29,000 troops in 2009<sup>799</sup>. These numbers do not include troop contributions by EU member states to the US-led “Enduring Freedom” mission which is engaged in counter-terrorism and counter-insurgency operations in Afghanistan.



Figure 7.1 Increase in ISAF troops<sup>800</sup>

While this diagram (Figure 7.1) shows the overall increase of ISAF troops (not only the contribution by EU member-states), the increase in troop numbers over the years is significant. Taking only the figures for 2009, these indicate an EU contribution of 51.4%. This increase in number is in itself a clear indication of change taking place.

Apart from its contribution to ISAF, the EU operates several direct programmes in the field of SSR, DDR and demining. Besides these, it also operates counter-narcotics programmes which include a security element (this will be examined in the context of opium), and support for the police force (which will be analysed in the Rule of Law section). Due to the post-conflict nature of the situation in the country, most programmes have some security element or consideration inherent within them. This inclusion of security in other programmes could also indicate a change over previous policies. Additionally – and this is especially true of the security pillar – the programmes concerned are hardly ever operated by one single institution; the EU frequently joins forces with UN agencies.

The SSR programme commenced with the signing of the Bonn Agreement. Despite the lack of specific reference to it in this agreement – as was criticised in the previous chapter – the programme was initiated in 2002 as an element in the international state-building process. The SSR agenda was divided into five pillars. At that time, the international community designated “lead nations” to each sector: military reform (US), police reform (Germany), counter-narcotics

<sup>799</sup> Swedish Foreign Ministry (2009)

<sup>800</sup> NATO (2009)

(UK), judicial reform (Italy), and disarmament, demobilisation and reintegration of ex-combatants (Japan). This approach was later scrapped, indicating a clear, albeit retrograde change in policy. The SSR areas supported by the international community included reorganisation of the Ministries of the Interior, Justice and Defence, reorganisation of the Afghan National Army, the training of a (national) police force and focused border development on EUPOL and demining. The subfield of SSR reform already illustrates that the EU does not act alone; it is in fact heavily dependent on the actions of other actors – particularly in the field of security – mainly due to the fact that it is not a military/security actor per se itself. Therefore, support for measures to combat mines was run jointly with the United Nations Mine Action Service (UNMAS). The total cost was 52,000,000 EUR of which the EU contributed EUR 22,000,000<sup>801</sup>. This demining programme is important from many viewpoints: Afghanistan is one of the countries most heavily contaminated with land mines and explosive remnants of war. These not only pose the risk of physical harm to the people - they also ‘rob farmers of their livelihoods and impede housing, resettling, and the grazing of livestock’<sup>802</sup>. The programme cleared approximately 240km<sup>2</sup> of land and the impact of demining activities was felt most notably along the electricity transmission lines from Uzbekistan which contributed to an increase in Kabul’s power supply<sup>803</sup>. The EU has not been directly involved in mine-clearing but has channelled financial support through UNMAS while supporting ‘both the planning, coordination and governance work of Mine Action Centre for Afghanistan (MACCA), as well as implementing partners working in all aspects of mine action including survey, clearance, mine risk education and victim assistance’<sup>804</sup>.

As with demining, many EU contributions to the security pillar are made via multi-donor trust funds which are administered either by the UN, UNDP or the World Bank. The main contribution of the EU in this field is therefore financially through trust funds. Despite this financially focussed support, changes in polices have been detectable. Therefore, is there evidence of institutional-learning to be found in EU policies and its approaches in this state-building element?

## **ii. Has learning taken place in EU efforts to enhance security?**

The benchmarks set in the previous chapter together with the elaboration of EU policies have indicated changes having taken place. Are these changes however due to IL as defined in the

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<sup>801</sup> C(2009)8444 - PE/2009/8013, European Commission (2009b), Action Fiche No 2 for Afghanistan

<sup>802</sup> Ibid.

<sup>803</sup> EuropeAid (2012), p. 2

<sup>804</sup> Davies and Todd (2008), p. 10

Research Framework? As the EU tends not be a direct actor but more a financier<sup>805</sup> in this element, learning is more difficult to trace. In fact, security is an area in which the EU is reviewing its approach fundamentally. A process of tentative reconsideration has now arisen in the context of security ten years after the fall of the Taliban and a continuous state of insurgency. The interview with Mr Turner revealed a more contradictory viewpoint concerning the question of whether a peace agreement should have been made with elements of the Taliban: on the one hand there is the realisation that a political solution is needed in order to move forward; on the other hand it is legitimate to ask whether countries who have lost soldiers are willing to compromise on such “elementary things” as women’s rights and Sharia law. Mr Turner believed that there is an essential need for the EU itself to sit down and pursue a “red line” discussion concerning how far it (and with it, its member states) would be willing to compromise on their values in order to achieve peace. But as such, a change in policy thinking has taken place: namely that a peace agreement is required and that the Taliban should be included in the future of Afghanistan. On this topic, Mr Turner concluded that the situation is further complicated by the fact that the Taliban refuse to deal with Karzai but would be willing to negotiate with the US. This change in strategy cannot (yet) be classified as either adaptation or institutional-learning as it is still on-going. While a case could be made for this turning into a case of “learning from history” or “learning by doing”, it appears to constitute more a matter of change by “frustration” combined with the realisation that the previous course needs amendment, since the state of insurgency (the state of war was officially ended with the Bonn Agreement) has continued for 10 years. With the international community preparing their exit strategy, something has to be done to stop an implosion of the country once the international security forces leave. In terms of the IL classification provided by the framework, this development therefore is best placed in the “other” category, placing it outside the realm of IL/adaptation.

But what of the SSR and DDR projects supported by the EU? The DDR programmes have seen alterations made, as the disarmament policy was adapted to disarm not only the Afghan Militia Forces but also illegal armed groups led by warlords after experience on the ground showed that the previous policy was inadequate. As this change in policy was triggered by new knowledge and through interpretation of the outcomes of the previous policy, this can clearly be classified as a case of institutional-learning. As this learning derived from previous failure, it is a case of “learning from history”. The learning loop was closed through its institutionalisation in a reformed policy. While learning therefore took place, and it was an essential lesson since previous

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<sup>805</sup> Argument advanced by one of the interviewees speaking anonymously. EU Official (2011d)

policies would otherwise have failed utterly, costly years have been lost and the situation of the armed fighters has significantly changed due to the passage of time and therefore reducing the effectiveness of the policy – even in its adapted form.

The most notable SSR element in which the EU is engaged is its police mission, but as this mission is more a Rule of Law mission, this element will be discussed in the civil and political rights section of this chapter. But the very fact that EU police missions are now Rule of Law missions is in itself a lesson learned from previous involvement in the former Yugoslav Republic (police mission EUPM in Bosnia to an integrated rule of law mission EULEX Kosovo)<sup>806</sup>. All the same, a general statement can be made concerning institutional-learning in SSR missions, namely that with most of the relevant learning documents and reports being confidential and classified<sup>807</sup> the documents are only available to a limited number of EU officials and bodies. This protectiveness surrounding the reports in fact leads to valuable lessons becoming lost as (mainly) horizontal learning cannot take place or is restricted within the EU structures.

Institutional-learning by the EU is therefore not as obvious in the security element as in other areas because the implementation of programmes rests mainly with other institutions; a change in the EU approach is nevertheless detectable in that its later programme outlays (from governance, rural development to counter-narcotics) include a security element. This recognisable change in the underlying assumptions of the EU is an indication of double-loop learning taking place. The depiction of the present security situation in Afghanistan has shown that the country is yet to become peaceful. Institutional-learning is directly affected by this lack of security, because it prevents evaluative, on-the-ground spot-checks by the Commission or other organisations - an issue particularly raised with respect to budgetary control<sup>808</sup>. Plotting the evidence of institutional-learning found is this element into the matrix, it becomes obvious that any institutional-learning which has taken place is mostly of the “learning from history” category, combined with learning through frustration. The relatively small amount of evidence for learning is arguably due to the EU being more of a financier than an actor in this field and the actual programme lessons are learned elsewhere (hopefully).

	Institutional-learning			Adaptation		Other
	Lesson from history	Lesson-drawing	Learning by doing	EU internal pressure	Pressure external to EU	
Security element	X					X

<sup>806</sup> Garcia (2011) and Council of the European Union (2006)

<sup>807</sup> EU Official (2011f)

<sup>808</sup> 2011/2014(INI), European Parliament (2011), p. 10

## ***C. EU efforts concerning the institution-building element in state-building***

### **i. EU efforts in the field of institution-building**

The base and outcome lines sketched in the previous chapter have pointed to significant changes in this state-building element in Afghanistan over the recorded timeframe. What therefore was the main thrust of EU policies specifically in this element and how far have they contributed to this change? The EU is involved in formal institution-building and in the establishment of the legitimacy of these institutions by improving governance. The Government of Afghanistan had lost the ability to provide ‘even modest services to its people’<sup>809</sup>. The state institutions were defunct and had to be revived and reformed. While this encompasses the establishment of legitimate institutions and the drafting and writing of the constitution, followed at a later date by support for sub-national governance in order to strengthen the state, the EU’s main influence was experienced during the elections. EU support in this field can be grouped into three categories: administration reform, governance and elections. The country has therefore moved from not having any legitimate functioning state institutions to one with at least semi-functioning institutions and a constitution as a point of reference, hence also in this state-building element changes can be recorded.

Jointly with DFID and the World Bank, the EU has provided support to the public administration in the form of an initial emergency public administration programme, as well as by providing technical assistance for pay reform, restructuring and broad administration reform<sup>810</sup>. In the subfield of administrative reform, EU aid has centred on the recurrent budget, policy development and the training of the civil service<sup>811</sup>. Some of this initial support has been for rudimentary technocratic supplies, such as office equipment (including desks, chairs, computers and white boards)<sup>812</sup>. Recurrent budget support has contributed to financing civil servants’ salaries or government operations and maintenance expenditures<sup>813</sup>. After this initial rather technocratic response, the EU supported the Afghanistan Reconstruction Trust Fund (ARTF) which was established in 2002 and is administered by the UNDP and the World Bank; the distribution of contributions by the EU and member states is depicted in Figure 7.2. Therefore a shift from technocratic support to administrative support can be noted in EU policies. The ARTF was set up as a long-term fund with a funding horizon until 2020. Taken jointly, the EU and its member

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<sup>809</sup> Hunzinger (2007), p. 12

<sup>810</sup> For a detailed account of the World Bank’s priorities in Public Administration Reform, see World Bank (2007)

<sup>811</sup> Hunzinger (2007), p. 8

<sup>812</sup> Cf. Ibid., p. 14

<sup>813</sup> European Commission (2011b)

states are the largest single contributors to the fund with a total contribution of EUR 1.37 billion<sup>814</sup>.

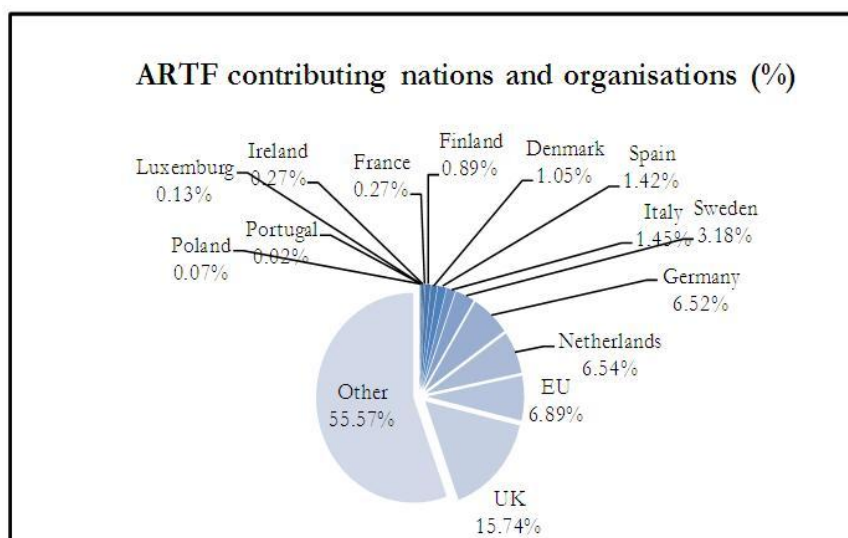


Figure 7.02 ARTF contributing nations and organisations<sup>815</sup>

The ARTF has so far allowed the GoA to pay public service salaries; otherwise the administration reform would have been infeasible<sup>816</sup>. The recurrent cost window contribution of the ARTF used an incentive programme to support government reforms through annual incentive payments in exchange for completion of agreed reforms<sup>817</sup>. EU support to public administration reform also defined several options for ‘civil service reform and assisted the Government in its priority to support ministries’ reforms through “reform implementation and management units”, including by focusing on those institutions dealing with focal areas of EU assistance such as health and justice<sup>818</sup>.

Considering the scope of governance and what it comprises, EU support for governance is one of the overlapping issues manifesting itself in many policies. The ARTF support to EUPOL together with EU anti-corruption support all form part of the EU’s support for governance. Total assistance to governance, according to the action fiche of the 2007 action programme, is EUR 126,400,000<sup>819</sup>. Due to the weak state institutions still persistent in Afghanistan, EU support to governance

‘[...] consists of four components, covering the EC contributions to the two main vehicles for budget support, the Afghanistan Reconstruction Trust Fund (ARTF) and the Law and Order Trust Fund in Afghanistan (LOTFA), as well as the EC contributions to two crucial support

<sup>814</sup> Cf. EEAS (2011a), p. 56

<sup>815</sup> Data taken from World Bank (2011a)

<sup>816</sup> Hunzinger (2007), p. 16

<sup>817</sup> European Commission (2011b), p. 2

<sup>818</sup> European Commission (2012), p. 14

<sup>819</sup> European Commission (2007a)

programmes targeting local governance, namely the Afghanistan Subnational Governance Programme (ASGP) and the National Solidarity Programme (NSP)<sup>820</sup>.

The EU therefore did not only contribute to the national policy dialogue process, but also supported sub-national governance through the ASGP (EUR 5 million in Phase I (2007-2010) and EUR 12 million in Phase II (2010-2013)). The ASGP aims to support democratic and participative development processes with a countrywide outreach<sup>821</sup>. Additionally, the 2010 action programme included a rural governance and development element, which was already an important step towards emphasising development at a rural governance level - not merely at the national level. The project was jointly managed by the World Bank and the UNDP and while the total cost was EUR 525 million, the EU's contribution was EUR 75 million (not including separate member-state contributions)<sup>822</sup>. The EU expected that the programme would lead to the development of state institutions and processes at sub-national level, that communities would mobilise and articulate their needs and would identify priorities and solutions through Community Development Councils<sup>823</sup>. Furthermore, socio-economic assets were to be rehabilitated in conjunction with rural development. Governance was supported by the drafting of laws and regulations aiming to strengthen and decentralise operational and financial management and to increase monitoring and evaluation capacity, e.g. by streamlining reporting systems. The production of annual National Risk and Vulnerability Assessments by local governance institutions was encouraged. Even governance at the Ministry for Rural Rehabilitation and Development and their offices was considered weak; hence emphasis was placed on the (UNDP administered) Afghan Sub-national Governance Programme II which commenced in 2010, and the EU 'increasingly includes a component aiming at strengthening provincial, district and village governance in all its programmes'<sup>824</sup>. However, the CSP 2007-13 notes that 'attempts to establish a stable state structure have failed in Afghanistan' and have hence left the state in a dependent rentier situation. Institutions have remained weak and the reach of the central government to its peripheries is marginal. Therefore a significant lack of change has to be recorded at this point, despite considerable policy volume.

The holding of free elections represents a significant development when referring back to the starting position described in the previous chapter, but what has been the EU's contribution to this development? The EU contributed EUR 24 million in support of the presidential election in

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<sup>820</sup> Ibid., p. 2 of action fiche on 'support to governance'.

<sup>821</sup> Cf. European Commission (2012), p. 15

<sup>822</sup> C(2010)8354 - PE/2010/8041, European Commission (2010b), action fiche no 1

<sup>823</sup> Cf. Ibid., action fiche no 1

<sup>824</sup> European Commission (2011a)



2004. This support ranged from voter registration to an ‘extensive civic education and public information campaign to inform all eligible voters about the election process’<sup>825</sup>. The Democracy and Election Support Mission in 2004 comprised 25 election experts from seventeen member states<sup>826</sup>. In 2005 the EU contributed a further EUR 17.5 million to the organisation and to the holding of parliamentary elections. It sent a fully-fledged EU Election Observation Mission<sup>827</sup> with an additional budget of EUR 4 million, comprising 159 observers<sup>828</sup>. Unlike earlier elections, the 2009 elections were conducted under the leadership of the Afghan authorities. The EU supported the Independent Election Commission through the UNDP-managed Enhanced Legal and Electoral Capacity for Tomorrow (ELECT) with 33 million<sup>829</sup>.

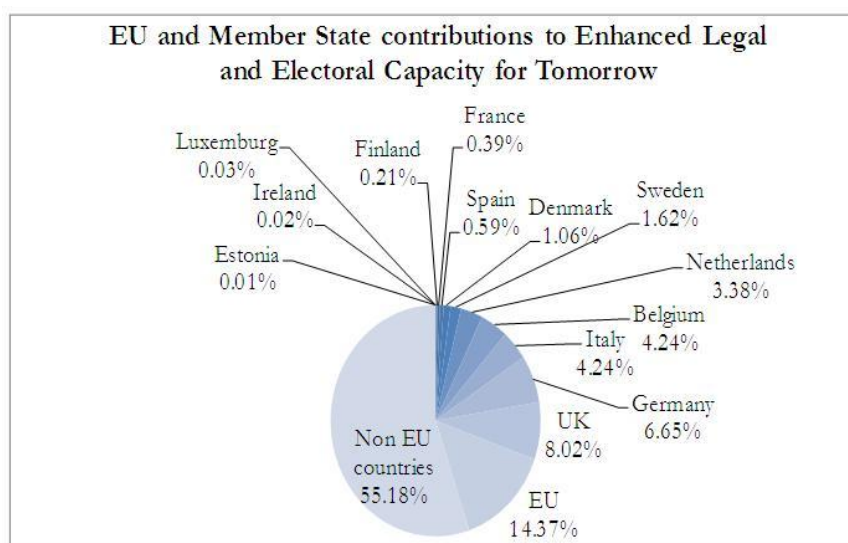


Figure 7.03 EU and Member State contributions to Enhanced Legal and Electoral Capacity for Tomorrow<sup>830</sup>

Figure 7.3 shows overall financial contributions to the fund; and the total of 47% (including bilateral contributions by member states) in EU funding demonstrates the willingness and support provided to the GoA to “own” these elections without the EU taking over conduct of the election process. Does the shift from direct election support to supporting the Election Commission indicate a change in policy? Could this shift even be evidence for a learning process? It will be interesting to see what the IL/adaptation analysis will have to say to this point.

Additionally, the EU sent another Election Observation Mission (EOM) on the invitation of the GoA to observe the Presidential and Provincial Council Elections<sup>831</sup> on 20 August 2009, allocating

<sup>825</sup> Hunzinger (2007), p. 101

<sup>826</sup> International Crisis Group (2005), p. 12

<sup>827</sup> Cf. on EU Election Monitoring Missions COM(2000)191 final, European Commission (2000a)

<sup>828</sup> European Union Election Observation Mission to the Islamic Republic of Afghanistan (2005a)

<sup>829</sup> European Commission (2012), p. 15

<sup>830</sup> Data taken from UNDP (2009)

an additional EUR 35 million for this second election cycle<sup>832</sup>. As the report later notes, ‘the mission’s mandate was to conduct a comprehensive assessment of the entire electoral process with reference to international standards for democratic elections and the laws of the Islamic Republic of Afghanistan, in accordance with EU methodology and “*The Declaration of Principles for International Election Observation*” commemorated under the auspices of the United Nations in October 2005’<sup>833</sup>.

The previous summary of developments in this state-building element has already indicated that most developments in this element pivot around key events. This element has therefore registered significant changes as well as a lack of determined outcome; the implications for institutional-learning by the EU should therefore be significant. However, as the elements of institution building and civil and political rights are so closely interlinked – both thematically, but also in policy – a joint evaluation of the learning process in these two sectors will follow at the end of the analysis of the civil and political rights element.

## ***D. EU efforts concerning the civil and political rights element in state-building***

### **i. EU efforts in the field of civil and political rights**

The elements of civil and political rights comprise a wide range of factors which are of significant importance for the state-building approach as a whole. Among these are the establishment of a justice sector and the rule of law (including a functioning and legitimate police force), and improvements in governance relating to corruption and accountability. All these are sectors which have seen significant change. Analysis will show whether these are the result of EU policies. The EU made Justice and the Rule of Law a focal point in its approach with effect from 2007<sup>834</sup>. The European Union’s Justice Sector Reform Project aims to strengthen the rule of law and to improve access to justice in Afghanistan by:

- assisting the Supreme Court, the Ministry of Justice, including the Central Prisons Department, and the Attorney General’s Office to implement organisational reforms such as ‘Priority Reform and Restructuring’ and ‘Pay and Grading’ effectively;

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<sup>831</sup> European Union Election Observation Mission to the Islamic Republic of Afghanistan (2009), p. 9

<sup>832</sup> C(2009)5002, European Commission (2009c)

<sup>833</sup> European Union Election Observation Mission to the Islamic Republic of Afghanistan (2009), p. 9 (emphasis as in original)

<sup>834</sup> European Commission (2007f), European Commission (2007h)

- building the capacity of the Human Resource Departments of all the justice institutions to lead large scale organisational reforms and carry out core human resource management functions effectively;
- supporting the Ministry of Justice to develop and manage a Legal Aid system; and
- building the capacity of the Finance Departments of all the justice institutions to plan, manage and monitor institutional budgets in line with the requirements of Program Budgeting.<sup>835</sup>

The EU approach therefore tries to address four challenges: a) to strengthen the justice institutions' human resources and infrastructures, b) to increase access to justice at district and provincial level, c) to develop links between alternative dispute resolution mechanisms and institutional justice and d) to contribute to the improvement of the prison system<sup>836</sup>. In accordance with ANDS and in order to achieve the above, the rebuilding of a national civilian police force for national security and recovery represents a priority not only for the Afghan government but also for the EU.

Benita Ferrero-Waldner stressed the EU's commitment to Governance and the Rule of Law in Afghanistan in her speech to the same effect and in the same words.<sup>837</sup> The Law and Order Trust Fund for Afghanistan (LOTFA), a multi-lateral trust fund created in 2002 and administered by the UNDP, has been used by the EU to achieve these goals. One of the main aims of LOTFA has been to assist the GoA in the process of police and prisons staff remuneration and to increase the police infrastructure by democratising policing and increasing capacity<sup>838</sup>. The EU Police Mission in Afghanistan (EUPOL)<sup>839</sup> is based on the Council Joint Action 2007/369/CFSP which itself builds on the efforts of the German Police Project (GPP) and other international actions in the field of police and rule of law – the GPP was a remnant of the lead-nation approach<sup>840</sup>. The change in policy has been indicated previously, but it remains to be seen if it is linked to IL. The advantage of the EUPOL mission is that it brings together individual national efforts under one EU umbrella.

Part of the EUPOL mission is also to create an anti-crime unit which has established the Anti-Corruption Prosecutor's Office. These prosecutors are 'developing cases against high-profile public officials who are suspected of corruption'<sup>841</sup>. With a contribution of EUR 135 million since 2002, the EU is the biggest donor to LOTFA<sup>842</sup>. As was mentioned in the previous section, EU

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<sup>835</sup> European Union Delegation to Afghanistan (2010)

<sup>836</sup> European Commission (2008a), pp. 2-3

<sup>837</sup> Ferrero-Waldner (2007)

<sup>838</sup> UNDP (2011b)

<sup>839</sup> 2007/369/CFSP, European Council (2007)

<sup>840</sup> European Union Press Office (2007)

<sup>841</sup> European Union Council Secretariat (2010)

<sup>842</sup> Gross (2009), p. 35

support for political rights is strongly linked to institutional and electoral support, so these efforts will not be reiterated here.

**ii. Has learning taken place in EU efforts to build institutions and to promote civil and political rights?**

As the building of institutions and the promotion of political and civil rights are so closely interlinked, this section provides the analysis of both these state-building elements – underlining once more the interdependence of all the state-building elements. The depiction of current benchmarks clearly shows that these two state-building elements are far from being achieved and much progress is still required. However, is this lack of progress due to inadequate policies or to a lack of learning in these policies? The central and most elementary change which has taken place in this field in EU policy is also one which is important for the thesis as a whole: the EU has realised that it takes more than elections to build a secure and functioning state in Afghanistan, but that there is a necessity to build institutions alongside or even prior to introducing democracy. A case can be made that this realisation might be a combination of EU policy adaptation due to external pressures and of institutional-learning by drawing lessons from academic advances and from a change in international dealings with fragile states by international organisations – it is, however also a clear sign that double-loop learning has taken place. Whereas prior involvement by the EU (and other international institutions) was very much centred on elections and the successful holding of elections was seen as a guarantee for timely withdrawal<sup>843</sup>, it has become obvious from observations and the conclusions drawn in this chapter that the other elements under discussion are equally essential. This point was in fact also made in the lessons-learned section of the Commission document on EU Election Assistance and Observation in 2000<sup>844</sup> under the subtitle of “holding elections is not synonymous with democracy”. The lessons-learned section in the above document also raises the important issue of conducting first generation elections in a sensitive manner, including the critical aspects of voter registration and election campaigning – elements which were subject to much criticism in the Afghan case. Most importantly however, the document seems to presume that a cessation of violence takes place before commencing elections. This certainly is not the case in Afghanistan. It could therefore be argued that the EU was not equipped to handle such an Election Observation Mission; but it can equally be argued that in this instance the EU was taking the lead from other international institutions (mainly the UN). While the EU therefore might have acted in contradiction to its

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<sup>843</sup> Hirschmann (2012), p. 373

<sup>844</sup> COM(2000)191 final, European Commission (2000a)

own lessons learned, its ongoing involvement is very likely due to the high profile this “case” presented. If the EU had refused participation and not sent an Election Monitoring Mission, it would have strategically outmanoeuvred itself for the rest of the state-building effort.

While it was important for the GoA to take ownership of the latest elections, it has become apparent to the EU that the process still requires significant technical as well as financial support – leading to the establishment of ELECT. The EU’s decision to invest substantially in ELECT is a clear sign of EU institutional-learning, as ELECT addresses the whole election process and not just the smooth conduct of voting, hence EU support to enhance the whole sector of electoral capacity – including the Independent Election Commission – can be seen as a direct consequence of previous electoral fraud allegations<sup>845</sup>. In institutional-learning terms, this is a clear indication of “learning from failure” (learning from history). In the same context, it should be added that the failure of the EU to convince the GoA to employ a different voting system from the Single-Non-Transferable Voting System is not a situation in which learning is the issue, but it certainly calls for a debate on why the EU’s leverage succumbed to the US ambassador’s influence.

The analysis of government effectiveness – and particularly the indicator graph (Figure 6.7) – has shown that improvements are necessary in this field. Has the EU changed its policies and were these changes due to institutional-learning? Government effectiveness would profit strongly from a more emphatically endorsed anticorruption campaign by the international community since any institutions inaugurated through EU state-building initiatives since 2001 would lose their effectiveness if their legitimacy were questioned. There was a realisation that the present approach had to change, but no learning is visible in terms of policy change having taken place. While anti-corruption policies are being employed, these lack determination. Negative conditionality as employed in EU development and cooperation could be a useful measure to increase its leverage. Additionally, increased support of LOTFA, even making LOTFA a funding priority<sup>846</sup>, could very well counter-balance such a development. A step in the “right direction” is the funding emphasis shown in the 2007-13 CSP which identifies governance and the rule of law as a funding priority. Most importantly, the EEAS has identified follow-up measures, combined with verification of their compliance with agreed objectives and particularly with benchmarks, must be enhanced<sup>847</sup>. While there is an understanding among EEAS officials that more pressure

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<sup>845</sup> Early claims of fraudulent behaviour during the 2009 and 2010 elections had initiated debate on this issue. Cf. Coburn (2009)

<sup>846</sup> Turner (2011)

<sup>847</sup> Cf. EEAS (2011a)

must be brought to bear on the GoA to honour its commitment to the Rule of Law, to make only merit-based appointments and to uphold the fight against corruption, favouritism and human rights abuse, but this realisation has not been “translated” into policy changes. In learning terms this can be at best be listed as the recognition of a “mismatch” in the outcome, but the remainder of the learning cycle is yet to be made. Progress in this field has been particularly slow and with the looming departure of the international security forces, neglect and further procrastination will be especially detrimental. More and more voices are being heard in Brussels calling for a less “cuddly” working relationship with Karzai<sup>848</sup>. In institutional-learning terms, this requires revision of policies away from providing unlimited and person-centred support to Karzai<sup>849</sup>. While this is a lesson which is unlikely to be formulated in writing due to its sensitive and personal nature, if one wants to classify it in terms of the framework, this form of institutional-learning would be one of “learning by doing”.

Part of the Rule of Law programme is also EUPOL. EUPOL is certainly a policy field in which institutional-learning has taken place on several levels. Firstly, it is necessary to recall that the integration of European police missions into more comprehensive RoL missions was already a result of institutional-learning from previous missions. By incorporating EUPOL in the overall EU strategy (away from being a German project), it was included much more centrally into the overall EU approach to RoL. The move away from the lead-nation approach is another result of learning, as was in fact stated by Mr Turner from the Afghanistan Desk of the EEAS when he maintained that the lead nation approach ‘seemed like a good idea at the time’ but has since been abandoned because it became too inefficient and uncoordinated<sup>850</sup>. It was also claimed that the lead nations had “territorialised” the process, and a decision was therefore taken at the London Conference (2006) that in view of this lack of synergy and slow progress stronger Afghan ownership should be ensured to harmonise the process<sup>851</sup>. Additionally, the increase in size of the mission was in response to its previous failings; and by including 99.9% of all Afghan police on electronic payrolls and by ensuring that 78% of all officers receive their pay by bank transfer<sup>852</sup>, it was possible to decrease the misuse (corruption) of funds, making EU funds generally more effective. Therefore this evidence of institutional-learning is a combination of “learning by doing” (as the change in strategy occurred relatively soon after its introduction) and of “learning from

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<sup>848</sup> EU Official (2011d), EU Official (2011e)

<sup>849</sup> This could probably be best communicated by the present EUSR for Afghanistan and Pakistan, Mr Vygaudas Usackas.

<sup>850</sup> Turner (2011). What is furthermore interesting is the fact that, while the lead nation approach was very much a SSR agenda, so little progress seems to have been made.

<sup>851</sup> Cf. Security Sector Reform Resource Centre (2010)

<sup>852</sup> Steiner (2010), p. 73

history” (as the results of the previous strategy were generally deemed to be a failure). A case might also be made that some form of “adaptation” took place due to internal (particularly German) EU pressure being exerted. As such, this case is a prime example of how triggers for policy change are not mutually exclusive and may even work in conjunction.

Has there been any institutional-learning in the governance element? The change in emphasis towards governance is substantial. While the CSP for 2003-06 did not have the improvement of governance as a priority area or even mention it as a cross-cutting issue, the 2007-13 CSP has governance as a focal area and as such assigns 40% of total funds to it (the other two focal areas of rural development and health account for 30% and 20% respectively), thus indicating a clear change in policy and giving this sector top priority. This change in policy and priority was most likely brought about by a combination of institutional-learning factors (“learning from failure” and “lesson-drawing”) and through “adaptation”. The reason for this is that, as the previous sections have shown, governance is an element which influences all state-building elements and as such, without an improvement in this sector, none of the other elements will be successful. This realisation is very likely the reason that the 2010 annual action programme on rural governance and development is the first of its kind to begin its list of objectives with the aim of making a contribution to state-building – placing the programme itself within the greater framework of state-building and not looking at it from a sector-specific angle<sup>853</sup>. This seems like a significant lesson to be drawn, as the EU is still struggling to embed its policies in a bigger framework. Additionally, the need for democratic decentralisation was voiced strongly among interviewees for the AREU study<sup>854</sup> and has been incorporated in the UNDP programme on Sub-national Governance. The EU has also noted the need for learning in that it has called for a move beyond simply providing funding for governance through the ARTF to cover government budget deficits in this area but also to alter the ARTF to ‘assume a more functional, sectorally [sic] focused and policy-oriented role’<sup>855</sup>. This is a clear example of “learning by doing”, as the approaches in e.g. the Annual Action Programmes are relatively short-term measures.

With respect to institution-building and particularly administration reform, which was heavily supported by the EU, evidence has emerged from analysis that the EU has completed a full institutional-learning loop. An in-depth evaluation of previous EU support to this sector has proved the approach to be ineffective despite large sums of international aid by the EU and other

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<sup>853</sup> C(2010)8354 - PE/2010/8041, European Commission (2010b), action fiche no 1

<sup>854</sup> Lister (2005)

<sup>855</sup> European Commission (2007a), action fiche on governance, p. 3

international actors. Resulting from this noted “mismatch” a new Public Administration Reform plan is now being initiated which focusses more on the efficiency and effectiveness of the government; the plan is part of a larger World Bank programme<sup>856</sup>. This is a prime example of how, through evaluation and recognition of a mismatched outcome, a programme is being altered and amended in order to achieve an improved (or even the original) objective. In institutional-learning terms set out by the framework underpinning this thesis, this is therefore a clear indication of institutional-learning of the “lesson from history” (failure) category.

The complexity of these two elements for the EU state-building agenda is mirrored in the changes made to policies. This section has also revealed that the IL employed was significant since, by definition, all instances have indicated a change in the underlying assumptions (double-loop learning). Both institutional-learning and adaptation have contributed to these changes and the fact that all the categories defined in the framework were employed in the process gives grounds for the conclusion that a great deal has had to be changed and learned.

	Institutional-learning			Adaptation		Other
	Lesson from history	Lesson-drawing	Learning by doing	EU internal pressure	Pressure external to EU	
Institution building	X	X	X	X	X	(x)
Civil and political Rights						

## ***E. EU efforts concerning the social and economic rights element in state-building***

### **i. EU efforts in the field of social and economic rights**

When examining the action fiches of the Annual Action Programmes between 2007 and 2010, the accumulation of actions relating to economic and social rights is striking. Whereas the other thematic programmes seem to centre on one year, the emphasis on economic development is on-going. Rural poverty is a multi-dimensional problem, reflected not only in low incomes but also in limited access to land as well as in education and health services. EU support for rural reconstruction started as early as 2002. Humanitarian disaster food relief was supplied through NGOs and UN agencies immediately after the ousting of the Taliban<sup>857</sup>, but these policies soon changed to become development-oriented. Apart from the relief and reconstruction support provided to Afghanistan in the aftermath of the fall of the Taliban, the EU and Afghanistan also

<sup>856</sup> World Bank (2007)

<sup>857</sup> Hunzinger (2007), p. 25



have a special trade relationship: this means that Afghanistan, which was admitted to the group of least developed countries (LDCs) by the UN in 1971<sup>858</sup>, is granted special access to the European market under the “Everything but Arms” Trade Regulation<sup>859</sup>. This regulation permits duty-free access with no quantitative restrictions to products originating in LDCs. The aim of this regulation is to enhance the LDCs’ ‘export earnings, promote their industrialisation and encourage the diversification of their economies.’<sup>860</sup> In 2010, the EU was Afghanistan’s third major import partner, fourth major export partner and third major trade partner<sup>861</sup>. Afghanistan’s participation in the world market was further strengthened by the government’s application for WTO membership in 2004, which is being considered favourably but is still in its initial stages<sup>862</sup>.

In relation to the international state-building process, the EU has undertaken a number of projects in the economic sector: the main emphasis of the 2007 action programme lay on rural development and customs. In an attempt to survey what strategies the economy needed most, the Afghan government commissioned the ANDS (Afghanistan National Development Strategy). The ANDS had found that Afghanistan was lacking an adequate market and basic support infrastructure. Hence rural development is seen to be one of the national priorities, and the European Union is spearheading an initiative ensuring the strengthening of inter-ministerial coordination in rural access planning and implementation<sup>863</sup>, therefore altering its policies accordingly.

The EU has contributed EUR 11 million to the building of rural access roads through the ARTF. In order to improve regional trade, the EU has funded (by 100%) the support programme to the Afghan customs administration for the purposes of simplifying and harmonising internal import and export procedures, since Afghanistan could be a potential transit route from China and Central Asia to Iran, the Gulf and the Arabian Sea. This programme runs in conjunction with the Integrated Border Management Programme covering the building of infrastructure and capacity, e.g. the Torkham and Shir Khan Bandar border crossing posts into Pakistan and Tajikistan<sup>864</sup>. The

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<sup>858</sup> Formal recognition by the UN Development Policy and Analysis Division (which makes these classifications) is required to be included in this arrangement. When a country is excluded by the UN from the list of least-developed countries, it shall be withdrawn from the list of beneficiaries under this arrangement. The removal of a country from this arrangement and the establishment of a transitional period of at least three years shall be decided by the Commission, in accordance with the procedure referred to in the GSP Regulation. (Cf. European Commission - DG Trade (2009))

<sup>859</sup> (EC) No 416/2001, European Council (2001a)

<sup>860</sup> European Commission - DG Trade (2009)

<sup>861</sup> Cf. European Union - DG Trade (2011)

<sup>862</sup> Cf. WTO (2011)

<sup>863</sup> Cf. European Commission (2007a), action fiche on Rural Access Road Programme.

<sup>864</sup> Cf. Ibid., action fiche on Support to Customs administration in Afghanistan.

year 2008 saw a supplementary customs programme building on the 2007 programme to increase revenue collection and improve control of border trade (particularly with respect to the narcotics trade)<sup>865</sup>. The support given to regional cooperation in 2010 (EUR 22 million) continues previous customs support in an attempt to strengthen regional cooperation by facilitating cross-border trade while making border management services more efficient and improving border security.<sup>866</sup>

Together with the GoA, the EU has funded support to agriculture in both its 2008 and 2009 programmes – the total cost for both projects comes to EUR 80,321,109 (of which the EU has contributed EUR 30 million (2008) and EUR 50 million (2009) respectively and the GoA has funded the remaining EUR 321,109)<sup>867</sup>. The Agriculture Support Programme aims to improve rural food and security and to increase farm income; while the 2008 programme concentrated on consolidating water management and veterinary services, the 2009 programme continued the previous year's focus but also added the improvement of horticulture production and livestock to its list. Therefore a change in policies (while marginally) is detectable. The EU agricultural support is worked into the Afghan Agriculture and Rural Development Strategy<sup>868</sup>. As food insecurity is a pressing issue in Afghanistan, the EU disbursed over EUR 92 million to improve the situation of the most vulnerable between 2001 and 2008<sup>869</sup>. In 2009 policies changed; instead of simple disbursement, EUR 24 million were contracted from the “Facility for rapid response to soaring good prices in developing countries” to expand certified seed production and to provide direct support to farmers through NGOs<sup>870</sup>.

No evaluation of economic influences in Afghanistan would be complete without reference to the issue of narcotics. The EU has been involved in the Counter-Narcotics Trust Fund (UNDP administered) from its creation in 2005. This Fund provides support to alternative livelihoods, demand reduction, awareness-raising and law enforcement<sup>871</sup>. Anti-narcotics measures are also included in many other strategies, such as those in the Law and Order, Governance, Justice and Governance sectors.

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<sup>865</sup> European Commission (2008a), action fiche on completion of the support to Customs Administration in Afghanistan

<sup>866</sup> C(2010)8354 - PE/2010/8041, European Commission (2010b), action fiche No 3 on support to regional cooperation between Afghanistan and its neighbouring countries.

<sup>867</sup> Cf. European Commission (2008a), action fiche on Support to Agriculture in Afghanistan and C(2009)8444 - PE/2009/8013, European Commission (2009b), action fiche No 3 – Support to Agriculture in Afghanistan

<sup>868</sup> European Commission (2011b)

<sup>869</sup> European Commission (2012), p. 17

<sup>870</sup> Ibid., p. 17

<sup>871</sup> Delegation of the European Union to the United States (2010), p. 3

The health indicators for Afghanistan are among the least encouraging in the world (cf. HDI data). Even before the fall of the Taliban, the EU - through its ECHO office - had been providing health care assistance to Afghanistan. In 2002, the EU co-funded the Afghan National Health Resource Assessment to survey health facilities throughout the country, leading to the introduction of the Basic Package of Health Services (BPHS) through the GoA. This BPHS was initiated to provide basic health care, since the years of war had led to a collapse of the health system<sup>872</sup>. The main support financed under the 2008 programme went to institutional and capacity development in the Ministry of Public Health at central and provincial level and to providing financial aid to the BPHS. The 2010 programme worth EUR 73 million is a continuation of the 2008 programme<sup>873</sup>.

In 2008, the EU institutionalised its support to vulnerable people (orphans, disabled, refugees) by supporting the GoA with EUR 24 million<sup>874</sup> in strengthening social protection mechanisms at national and institutional/service levels<sup>875</sup>. These programmes support social protection institutions at national and community level. Activities under the programme include re-uniting non-orphans with their families, maintaining day-care centres, strengthening the understanding of the rights of a child, and paying particular attention to improving the status and living conditions of extremely vulnerable women. The plan is to finance the programme – once this becomes financially feasible – through the introduction of the Islamic “zakat” tax (obligatory duty to pay an annual percentage of income as alms).

## **ii. Has learning taken place in EU efforts concerning the social and economic rights element in state-building**

Improvements in the economic and social sector are heavily dependent on improvements in the previous elements and on a sectoral approach. A review by the Commission revealed that many programmes were being run without the ‘exploitation of synergies’ and without adequate planning capacity at the sub-national level<sup>876</sup>. The failure to exploit synergies can be attributed to the lack of coordination, the causes of which can be found in the duplication and parallel structures outlined previously. This is a good example of an unclosed learning loop (single-loop learning). While evaluations have taken place and the problems identified, corrective measures (the lessons

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<sup>872</sup> Cf. Hunzinger (2007), pp. 57-59

<sup>873</sup> C(2010)8354 - PE/2010/8041, European Commission (2010b)

<sup>874</sup> EEAS (2011b)

<sup>875</sup> European Commission (2008a), action fiche on Social Protection

<sup>876</sup> C(2010)8354 - PE/2010/8041, European Commission (2010b)

to be drawn) have not taken place – a missed opportunity to make EU contributions more effective.

While not directly in synergy, the aspect of governance improvement, which is a cross-cutting issue, has been fed into some of the programmes. For example, the CDCs occupy a dual function in the reconstruction of Afghanistan. Firstly, they improve economic development by making donors like the EU aware of the needs of communities; and secondly, as a governance mechanism, they bring trusted state-structures to the people. The importance of sub-national governance structures was stressed strongly by Turner<sup>877</sup>, but any institutionalisation of granting these more responsibility (particularly financially) and of including the district levels in this development has been lacking. If this phenomenon is analysed using the institutional-learning Framework, it therefore becomes apparent that the single-learning loop – the detection of a malfunction - has been achieved by the EU actors, but that the double-loop is missing (in this case probably also due to a degree of perplexity by the EU on how to achieve this).

But can it be said that learning has not been achieved for all policies in the economic and social rights element? It would not appear so. The social protection programmes fostered with EU support are a clear example of lesson-drawing from academic advances and also an “adaptation” to approaches taken by other international institutions (“pressures external to EU”). Leverage of the zakat tax and basing this in the Islamic culture of Afghanistan follow the proposals of “ownership” and “cultural awareness” which are elements frequently postulated in international development literature.

The policy supporting border management which was hailed a success was nevertheless subject of the lessons-learned element in the 2010 Annual Action Programme, in the sense that an externally conducted evaluation found that there is a ‘need to set up a central customs training academy to facilitate and streamline dispersed capacity building initiatives’<sup>878</sup>. The fact that the findings of this evaluation have found their way into the annual action programme is essential for a functioning learning cycle. As it is uncertain how well these recommendations have been integrated in forthcoming programmes (as they lie outside the research framework), it can only be suggested that institutional-learning (in the form of “learning by doing”) could be present.

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<sup>877</sup> Turner (2011)

<sup>878</sup> C(2010)8354 - PE/2010/8041, European Commission (2010b)

The counter-narcotics tactic employed by the international community and the EU is a policy area which has seen some drastic changes. The initial attempt to stop opium production by destroying crops has been halted (although this was generally considered more an American tactic) and replaced by the necessity to tackle the reasons behind opium production. While the EU and the UK were the main supporters of the Counter-Narcotics Trust Fund, support for it will be phased out due to its poor performance<sup>879</sup>. The Trust Fund was UNDP-administered, and therefore not directly a EU policy programme, but the decision to support it has been withdrawn. Ceasing a policy is as such a significant action and could well be considered institutional-learning through “failure”. Learning in the sense that the policy was not worth pursuing further and that the existing course would have to be drastically different is possibly the strongest lesson to be learned from learning through failure. Counter-narcotics is an overlapping theme in the ANDS, but it needs to be integrated more strongly into rural development and governance efforts<sup>880</sup> in the sense of making legal agriculture a viable alternative to the production of opium in the long term. This issue also coincides with a need for greater security to allow farmers to reach sales points. What has to be learned in this context is that counter-insurgency should also address the “narco-insurgent-criminal-nexus”<sup>881</sup>. The EU and other international donors also have to decide whether to prioritise state-building or counter-narcotics; particularly in this field, policies can diverge substantially. Goodhand makes the convincing point that the drug economy thrives on illegality and weak state regulatory capacity fuels this situation. It is therefore more a political problem than a technical problem as currently managed. As such, it is also an institutional-learning problem for the EU, because it shows that the EU needs to amend its present policies accordingly in order to provide the political support and guidance necessary to achieve improvements in this and dependent sectors. The examples of Balkh and Nangahar show that with strong governors a successful anti-opium cultivation campaign can be implemented. The lessons learned from this development should be adopted – underlining again the importance of understanding governance mechanisms and parallel support networks in Afghanistan. It is in a sense an unclosed learning loop. As these are success stories from Afghanistan, future policies could be modelled upon them and could include the use of patronage, the influence of elders, arrests (which assumes a stronger Rule of Law) together with the promise of reward in the form of development assistance. This demonstrates a rare chance of learning from success (“learning from history”).

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<sup>879</sup> Cf. European Commission (2009a)

<sup>880</sup> This point is also raised by Lamey (2010)

<sup>881</sup> Ibid., p. 3

This section has indicated several instances in which the learning which has taken place does not satisfy the IL definition advanced by this thesis, since only single-loop learning has taken place. This in itself is a valuable finding, indicating that the EU as an organisation still needs to improve its internal learning framework. When entering these results into the matrix, it is evident that “learning through failure” is the strongest trigger in this element and several open-ended learning loops still provide ample opportunity to improve the strategies employed.

	Institutional-learning			Adaptation		Other
	Lesson from history	Lesson-drawing	Learning by doing	EU internal pressure	Pressure external to EU	
Social and economic Rights	X	X	(x)		X	

## F. Overall evaluation of institutional-learning by the EU in the field of state-building

This thesis has been able to extrapolate evidence for institutional-learning by the EU in its state-building efforts by using a combination of the institutional-learning Framework and the state-building Framework. While not all policy changes were seen to be due to learning but were attributed to adaptation, several forms of learning have taken place; but at the same time some opportunities for learning have been missed. So now that selected evidence for learning has been found in the EU policies, how does the EU perceive itself to be engaging in institutional-learning? Does it go along with these findings? In an EU strategic needs assessment, which underlined the need for evaluations, the following Figure (7.4) could be found:

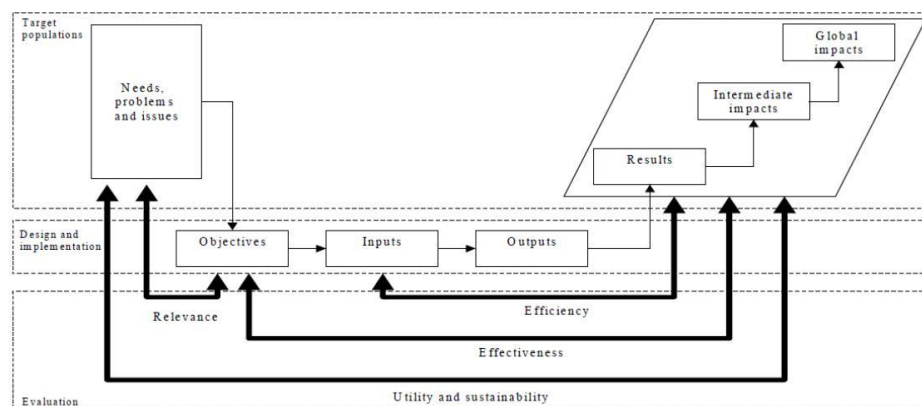


Figure 7.4 EU double-loop learning in the evaluation process<sup>882</sup>

EU evaluations are employed for good-practice considerations and claim to generate institutional-learning. They are intended to determine ‘the effectiveness of an intervention for the purposes of accountability or to assist in the allocation of budgetary resources’ as well as to ‘improve and

<sup>882</sup> European Commission - DG Budget (2005a)

enhance implementation<sup>883</sup>. For institutional-learning to be achieved within the EU, these evaluations must be supported by monitoring activities, which turn evaluation analyses into ‘continuous and systematic process[es]’<sup>884</sup>. Analyses along the lines of efficiency, effectiveness and relevance are often found in EU policy. In quintessence, this figure depicts how the EU itself sees its involvement in institutional-learning. It shows that the EU is very aware of the fact that double-loop learning is required, and in fact a 1997 EU evaluation guide even states that it is the kind of evaluation feedback ‘in which the information compiled by an evaluation is used to call into question the very existence of an intervention or to bring about major changes in its basic orientations’<sup>885</sup>. This is in complete alignment with what the institutional-learning Framework of this thesis understands by the term; but it appears that while the importance of evaluations was raised at such an early point during the EU’s existence, the actual institutionalisation of the lesson cycle was slow to be introduced. The increase in overall evaluations commissioned by the Commission (Figure 7.5) is a sign that the increased efficiency and effectiveness of the programmes is of growing interest, but after thorough analysis of the evaluation and monitoring guides published over the years<sup>886</sup> a rigid and institutionalised learning cycle (including vertical and horizontal diffusion) is missing. As such, most programmes now go through a cycle of evaluations from (ex-ante), mid-term, final to ex-post, therefore increasing programme scrutiny and possibly institutional-learning.

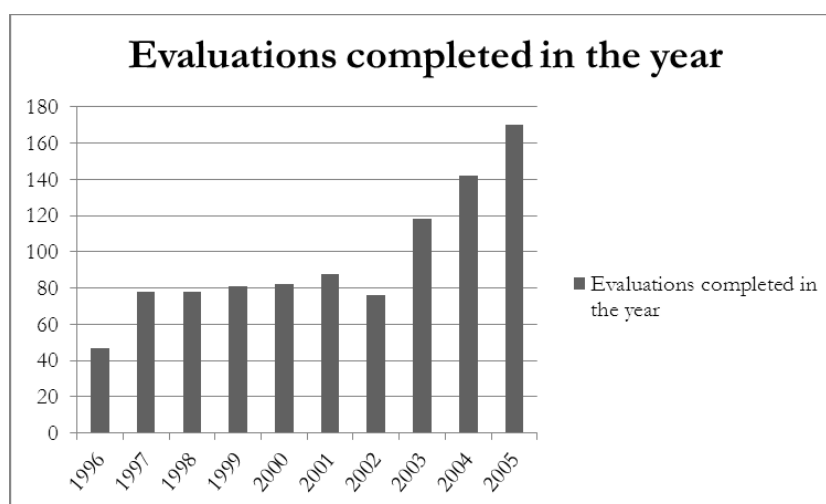


Figure 7.05 EU programme evaluations completed in the year<sup>887</sup>

The introduction of the civilian Headline Goals realised this and called for a ‘systematic lessons learned process’<sup>888</sup>, resulting in several ESDP/CSDP-focused learning documents<sup>889</sup>. However,

<sup>883</sup> Ibid., p. 4

<sup>884</sup> Ibid.

<sup>885</sup> European Commission - Budgetary overview and evaluation DG XIX (1997)

<sup>886</sup> European Commission - DG Budget (2001), European Commission (2005a), SEC(2007)213, European Commission (2007e), General Secretariat of the Council (2008)

<sup>887</sup> SEC(2007)213, European Commission (2007e), p. 18

the main problem is the general EU attitude towards institutional-learning. Many lessons-learned documents are classified and therefore not available to the relevant staff; this is furthered by the wide-spread “naming and shaming” perception of such documents, which is of course counterproductive to the dissemination of the vital lessons learned. As a result of this perception - and arguably as a ‘countermeasure’ - the lessons learned in the declassified documents are often paired with “results” or “achievements”, either directly in the heading to the document sections or by the structure of the content. It would have been of interest for this analysis to examine how far these evaluations feed into any EU learning cycle, but as most evaluations are classified, this was unfortunately impossible to determine.

On the question of whether the EU itself is to be considered a learning organisation, this thesis can categorically affirm this statement. This does not mean that the EU is an excellent “student”, but it is incorporating elements of an organisation engaged in institutional-learning. It has established an Evaluation and Monitoring Unit which inspects its policies for consistency and includes “lessons-learned” elements in its policy documents. The Unit also commissions external evaluations, and the very fact that the EU is commissioning independent consultations to iterate these problems shows that the institution itself is an organisation attempting to engage in institutional-learning; the only open question is whether the operational arm of the EU is influenced by and is acting on such learning. First indications of this are the Tools and Methods Series “Reference Documents” which have been developed for several areas<sup>890</sup>. In theory, these lessons-learned elements in the policies are compatible with the second loop of double-loop learning - the institutionalisation of the lessons drawn and how the changes (policy content and organisational procedure) are to be implemented. In general it may be said that while more and more documents identify lessons, it could not be confirmed that there is *consistent* systematic policy integration and therefore institutionalisation of these lessons. It therefore seems that the EU has mastered the detection of “mismatches”, but is still struggling - probably due to the aforementioned restrictions and problems - to complete the learning loop.

The influence of the above development can be seen in the more systematic approaches shown in the action fiches which correspond to the CSPs. As was demonstrated in the Afghan case, each action fiche for a specific sector or programme also has a section entitled “lessons learned” in

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<sup>888</sup> General Affairs and External Relations Council (2007)

<sup>889</sup> Committee for Civilian Aspects of Crisis Management and External Relations Counsellors (2009 (partially declassified 2011)), Committee of Civilian Aspects of Crisis Management (2010), Council Secretariat (2008), General Secretariat of the Council (2008)

<sup>890</sup> Cf. EuropeAid (2008), EuropeAid (2010)



which the experience gained in previous fiches and developments in this sector are listed. But often these “lesson learned” sections resemble more a list of developments in the field than actual listings of “mismatches” as one would have expected in order for these sections to be relevant to IL. This appears to be caused by the aforementioned misperception of naming and shaming, making these lessons- learned sections rather useless. On a positive note, in an attempt to achieve greater coherence, complementary actions and overlapping issues are increasingly pinpointed. This could well be related to the institutional framework of the EU. Issues such as “fragility” must be fed into all its policies, and before any policies can be approved they need to be run past such “cross cutting” desks<sup>891</sup>. The mid-term review of EU engagement in Afghanistan which was commissioned by the EEAS has contributed by highlighting some of these issues and has promoted the institutionalisation of some lessons. The CSPs and MIPs for Afghanistan themselves have also changed in that they are becoming long-term oriented strategies instead of single year programmes, most readily detectable in the change of name from the previous “National Indicative Programmes” to the current “Multi-Annual Indicative Programmes” (MIPs). This change in policy could arguably be a case of “lesson-drawing” in the sense that there seems to be a general shift in the development community to longer-term actions/strategies.

At the core of all changes in EU foreign policies – of which the state-building policies are a part – lies the fundamental decision by the EU as an institution to change its self-perception. This change from economic to political power is not in itself a case of learning, but an “adaptation” to changes in world politics due to pressures from within the Union, but also from the outside. The subsequent changes in policy, or even the introduction of new policies, constitute institutional-learning and adaptation by necessity – in the sense that in order to be taken seriously as a political power the Union clearly needs effective and coherent policies (two words which are often found in the early policy documents). The first foreign policies were neither – as has been outlined in the chapter on EU Foreign Policies - and is clearly evident in the fact that the first Common Foreign and Security Policy did not even cover two pages, therefore being very rudimentary and vague in its mandate.

Over time, “learning through failure” has occurred frequently in EU foreign policy, mostly caused by a key event. One of these key events was Bosnia, and as the influence on EU foreign policy was so significant, it has to be named as a “lesson of history” in its own right. Javier Solana, the EU’s High Representative for CFSP made a speech to this avail in 2005 in which he said:

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<sup>891</sup> EU Official (2011a)

‘Finally, there is a lesson for European foreign policy. There is no point denying that the war in Bosnia and Herzegovina was a dismal low for Europe. But look where we are today. We are united around a single, comprehensive strategy for the region. The Western Balkans are now one of the success stories in EU foreign policy. [...] Indeed, this points to one of Europe's key strengths. After every setback, we re-group, learn the lessons and emerge stronger.’<sup>892</sup>

The improvement in policies and communications following the Yugoslav disaster was striking. The emphasis on effectiveness and coherence remained, but speed and capacity were added to the list. This “learning by failure” is not to be considered a negative aspect. It certainly encompasses Argyris’s single-loop learning – mediated by organisational inquiry, it connects to detected error – hence strategies or assumptions are modified ‘to keep organizational performance within the range set by existing organizational values and norms’<sup>893</sup> while the values and norms themselves remain unchanged. The more extensive elaboration of instruments and the introduction of Special Representatives from the ToA onwards are in themselves a clear sign of institutional-learning, namely of “learning from history”. The necessity for this “instrument” (the role of EUSR) was derived from the realisation that a central point of reference and coordination was needed in these often complex situations<sup>894</sup>. In the case of Afghanistan, the aim for coordination was taken a step further. By combining the role of EUSR and the head of the EU delegation in Kabul<sup>895</sup>, a more streamlined and authoritative representation and therefore “single voice” to promote a consolidated EU approach was achieved in interaction with the GoA. While this is a case of intra-EU coordination (“adaptation through internal pressures”), it could also be considered learning as a result of (international) criticism (“lesson-drawing”). The importance of embedding the EU approach in a regional approach has been realised in making the previous EUSR for Afghanistan now jointly responsible for Afghanistan and Pakistan. This action could also be titled institutional-learning (“lesson-drawing”) from developments in its (the EU’s) development cooperation policies and experiences.

In the same way as Rubin argues for “goals not pledges” in his article<sup>896</sup>, this thesis argues in favour of “not instruments but country”. This means that a great deal of EU support seems instrument-focused and not country-focused. The only area displaying some overview is the EEAS, where the Afghanistan desk only has two officers. The instrument rather than country focus lends itself to a “one fits all” approach, and this has been criticised relentlessly, not only in this thesis but also in the literature. Each instrument (IfS, ECHO, EuropeAid) has its own

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<sup>892</sup> Solana (2005), pp. 4-5

<sup>893</sup> Argyris and Schön (1996), p. 21

<sup>894</sup> On institutional-learning specifically with respect to EUSRs see Adebahr (2009)

<sup>895</sup> Cf. EEAS (2011b)

<sup>896</sup> Rubin, Hamidzada and Stoddard (2003)

country officers who are sometimes (if fortunate) assigned regionally<sup>897</sup>, although this frequently happens by chance or even by workload. This approach includes the inherent danger that the programmes within a country/area are not linked or coordinated. While there is a supposed time constraint on employment of the various instruments, with immediate humanitarian relief through ECHO, then IfS and then development assistance, the line is often blurred<sup>898</sup>. In the interviews, it became apparent that it was not always clear when one instrument began and when the next started. For example, the IfS has a 18 months project time limit and was meant as a transitional instrument but it was difficult to establish how long the transitional period was. The 18 months limit did not refer to the start of EU assistance, but simply that the programme could only run for a maximum of 18 months; considering that the IfS is still funding projects in Afghanistan, one wonders when transition ends and development starts. Each instrument follows its own agenda, and while they might not contradict each other they might also not work in synergy. For example, the desk office for Afghanistan in the EEAS<sup>899</sup>, which undertakes more of the strategy planning, was not in favour of attempts by the IfS to support police training schools under IfS funding. Thus while the documents are attempting to achieve greater coherence, coherence between the different Offices still needs to be improved.

The increased use of multi-donor trust funds has been seen as advantageous, since the funds are not only channelled and used under the same framework but also promote donor alignment, national ownership and accountability. Despite Karzai having called for more direct budget support during the 2010 London conference, the absence of ‘minimum preconditions for providing direct budget support to the government’<sup>900</sup> makes this the best option. On the subject of direct budget support, it is interesting to note that Ms Neda (the acting ambassador of Afghanistan to Germany at the time) agreed with this, admitting that as long as Afghanistan does not tackle its corruption problem, the international community cannot be expected to supply funds directly through government channels<sup>901</sup>. The use of multi-donor trust funds itself can be considered a case of institutional-learning (“lesson-drawing”) on the part of the EU, since the pooling of resources proved advantageous during previous efforts (e.g. Aceh programmes after the tsunami in 2004<sup>902</sup>) as this eliminates duplication of programmes. On the downside, whilst it increases effectiveness and coordination among donors, the EU’s visibility suffers immensely as

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<sup>897</sup> This point was elaborated by Garcia (2011), an officer could be dealing with countries as diverse as Haiti and Pakistan.

<sup>898</sup> EU Official (2011d)

<sup>899</sup> Turner (2011)

<sup>900</sup> EEAS (2011a), p. 14

<sup>901</sup> Neda (2010)

<sup>902</sup> Schulze (2007)

its substantial funding role is not revealed as openly as the “boxes of food with UN logos”. A further drawback of course is the loss of control by the EU over the exact programming of projects and therefore removing (or limiting) EU institutional-learning possibilities.

In theory the EU should be well-equipped to deal with a situation such as Afghanistan. It has at its disposal the instruments under the ESDP and CFSP which it could well employ to greater effect. But one main problem from which the EU suffers in its work is its lack of visibility<sup>903</sup>. This is also reflected in external evaluations in which, although engagement by international organisations in countries like Afghanistan is assessed, the EU is not even mentioned<sup>904</sup>. While this point is recognised in EU circles – as became clearly apparent in the interviews<sup>905</sup> – behaviour has not changed, lessons do not seem to have been learned. The problem of visibility could also stem from the fact that the EU as an institution is dependent on the commitment of its members. Interestingly enough, in many trust funds it is possible to detect significant contributions from member states which are not classified as an EU contribution as such, but as national contributions. There may be several reasons for this, but primarily all such contributions are more easily controllable by the contributing nation when they do not pass through EU channels; they can be prioritised according to this nation’s own preferences. While it is understandable for nations to pursue their own foreign interests in this way, it detracts assets from EU efforts. Part of the visibility problem may well have more to do with the member-states’ commitment to the Common Foreign and Security Policy of the EU. This is in no way an argument in favour of member states ceasing to promote their own foreign policy, but greater coherence and dedication to the EU by the member states could develop the EU into a greater power, no longer dwarfed by contributions from the US or the UN – to which the member-states themselves all also make a contribution. This is certainly an area which would benefit from greater research. In 2011 a significant improvement has been achieved with the UN granting EU member-states the right to speak on behalf of the EU.<sup>906</sup>

“Learning by failure” has repeatedly been seen to be happening in the documents specific to the Afghan case, some of which are related to the Bonn Agreement and the CSPs: it had become obvious that the Bonn Agreement has proved to be “unworkable”<sup>907</sup>. This criticism has shown

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<sup>903</sup> Attempts to rectify this have been undertaken by e.g. the Communication and Visibility manual for European External Actions (EuropeAid (2009a))

<sup>904</sup> See e.g. DANIDA (2005), Wilke (2004)

<sup>905</sup> These views were mainly mentioned by two interview partners: EU Official (2011c), Turner (2011), Turner (2011)

<sup>906</sup> Cf. A/65/L.64/Rev.1, United Nations (2011)

<sup>907</sup> Turner (2011)

that above all the lack of a peace agreement associated with the Agreement has put the reconstruction effort on the back foot. The Agreement itself was imprecise in such key areas as security provisions, and it drew up an unrealistically fast-paced timetable without including checks on completion of the measures proposed. Subsequent documents, from the Afghanistan Compact to the ANDS and the Kabul Process, have each adopted lessons and suggestions from the Afghan side with respect to priorities, an inherent greater “owning” of the process and the international community pressing more strongly for certain elements – even if these have sometimes been unsuccessful (e. g. sub-voting system or Sharia Family law). As such, the evolution of the working agreements (Bonn, Afghanistan Compact, ANDS as well as the international conferences) between the GoA and the actors involved in state-building in Afghanistan is an example of a learning cycle in itself.

The relationship between the EU and Afghanistan is an interesting one in terms of institutional-learning. A case can be made that in fact it is occasionally marked by frustration. “Learning through frustration” is often overlooked in institutional-learning literature. Argyris briefly mentions it in his chapter on inhibiting double-loop learning; it has been reported that ‘frustration led to regression and also that mild frustration led to creativity’<sup>908</sup>. Frustration occurs when discord is not voiced; in the case of EU-Afghanistan relations, this might conceivably be the case in the fact that the EU is unhappy with the progress achieved in a certain programme or dissatisfied with the commitment of the Afghan government - over the course of this thesis several incidents have been indicated pointing to such a possibility. But on the other hand there is a different side to the coin: the lack of commitment by the Afghan government might be due to the internationally designed programme not being applicable in the country. In this case, frustration would boil down to a failure to take responsibility for certain actions on account of a lack of communication between the actors. Management studies sometimes refer to the cause for such a phenomenon as “ignorant ignorance”, a term derived from the idea that in such cases the actor is not aware of his ignorance. The learning which should take place in this situation would be to embrace the “partnership” – the term with which the EU has often described its relationship with Afghanistan – and to ameliorate its general top-down approach.

By analysing the EU state-building efforts in Afghanistan, this thesis has been able to extrapolate several forms of “institutional-learning” alongside “adaptation due to internal and external pressure” having taken place; but at the same time it has also pointed out opportunities where

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<sup>908</sup> Argyris (2004), p. 116

learning has been missed. In the context of these EU-led state-building efforts in Afghanistan, this thesis has detected changes in policies which could be attributed to “learning through history” (failure and success), “learning by doing”, “lesson-drawing and policy transfer”. Additionally, it has detected policy changes which were attributed to “learning through stalemate”, “learning through frustration” and policy “adaptations due to pressures external and internal to the EU”. It has also found evidence of cases in which evaluations have given grounds for learning, but this has not been carried out. The completed matrix of the Research Framework demonstrates which categories of learning have been found in which state-building element.

		Institutional-learning Framework					
		Institutional-learning			Adaptation		Other
		Lesson from history	Lesson-drawing	Learning by doing	EU internal pressure	Pressure external to EU	
State-Building Framework	Security	X					X
	Institution building	X	X	X	X	X	(x)
	Civil and political Rights						
	Social and economic Rights	X	X	(x)		X	

Table 7.1 Completed Institutional-Learning and State-Building Matrix

As can be derived from the matrix, not all the changes in EU state-building policy are due to institutional-learning, but also to adaptation. It can further be ascertained that not all forms of learning and/or adaptation have been employed in each state-building element. As such, the lessons drawn were of procedural as well as of conceptual form. They therefore affected the coherence and coordination of the programmes as well as the financial use of funds and staff capacity training. Besides these operational lessons, there were also more strategic and political lessons to be learned. Some lessons concerned the feasibility of the mandate and called for a more comprehensive (and regionally integrated) approach.

### **What have been the EU’s main learning challenges in Afghanistan?**

The biggest challenge to EU-led state-building in Afghanistan is (still) how to orchestrate its support while at the same time being confronted by a deteriorating security situation, and how to align its programmes with diverging missions – to improve security, to create a stable state, to foster the development of the economic and social sector while respecting and improving civil and political rights in the country; in other words, how to secure an effective state with the minimal intervention possible. This conundrum could well prove too large for the EU to solve by itself. The lack of rule of law and democratic governance are factors which still allow insurgency to

prevail and permit criminal elements to pursue their gains. While the EU cannot improve the security situation by itself, and therefore relies heavily on NATO and other sources, a strategic debate on when and how to start engagement would certainly be pertinent. Additionally, a strategic debate with partners to coordinate expectations for the mission, in order that these do not work against each other, should be introduced. The best example in this respect is still the continued “war on terror” versus stability. Although the EU has employed both political and economic instruments in the state-building and reconstruction process in Afghanistan, the provision of hard security rests with NATO and with those individual member states which have the appropriate capacity. The division of labour between the EU, its member-states and other international organisations – the foremost of these being the UN – is not always clearly defined. Hence it is sometimes difficult to distinguish what is actually being done by whom; this is particularly true for the EU. In this context the question arises why – considering the number of actors involved in Afghanistan – no Multi-Donor Joint Evaluation Unit has been initiated, mirrored on the Multi-Agency Joint Evaluation of Assistance to Rwanda<sup>909</sup>. This could be classified as a “missed opportunity”, and it stands to reason that while such an opportunity for co-ordination and learning has not been implemented 10 years after the fall of the Taliban, it would by now (2012) have a suitable period to evaluate and to draw lessons on which still to act. Multi-Donor Evaluation Units are certainly an area which could benefit from further research. The Development Cooperation Report<sup>910</sup> by the Ministry of Finance of the Afghan Government is an attempt at co-ordination, but the focus is different from what it would be if the report were independent and donor-initiated.

The EU stands by its emphasis of placing importance on governance, the rule of law and security in its approach to Afghanistan – channelling about 47% of its support into these sectors<sup>911</sup>. Notwithstanding the importance of these elements, some lessons have not been learned. A major example for this is the dysfunctional voter registration. Despite constantly regretting that no reliable data is available on the population living in Afghanistan – which would have planning implications in many other sectors such as education and health - voter registration would have been a real opportunity and a good use of resources if it had been used as a census, employing modern technology such as iris scanning or finger printing. While more expensive, such a technique would have provided much more reliable voter registration and would have eliminated

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<sup>909</sup> It is the concept of multi-donor evaluation which is being suggested here. In no way should this endorse the quality of the evaluation mentioned.

<sup>910</sup> Islamic Republic of Afghanistan - Ministry of Finance (2010)

<sup>911</sup> Cf. EEAS (2011a), p. 36

the problems of double registrations, while also providing the much needed census data. Admittedly this would also have entailed that the initial elections would have had to be postponed.

Remaining on the subject of democratisation, the EU has certainly learned that democratisation is not possible without building institutions and hence state-building. Whereas previous attempts in countries such as the Congo or Namibia have focused on establishing democratic governments, the EU – along with a host of other development actors like the UN, the World Bank or the OECD – has learned “to bring the state back in”. This is an example par excellence of “lesson-drawing” from other international organisations as well as from academic advances. Albeit in 2001, the enthusiasm of the moment (for lack of an alternative explanation) must have led the EU and the other international community to temporarily disregard this previously learned lesson when meeting the conditions of the Bonn Agreement – elections and establishing a democracy – became priorities in their engagement in Afghanistan<sup>912</sup>.

In several fields, support was provided without a full “exploitation of synergies” and without adequate planning capacity at sub-national level<sup>913</sup>, leading to a high level of aid fragmentation<sup>913</sup>. The framework of the Sub-national Governance Policy has added some coordination to concentrate interest and to use existing mechanisms, leading to closer collaboration between line ministries – the first sign of improved governance in itself. The mid-term review found that in the context of delivering EU assistance the approach has been changing. In the immediate years following the fall of the Taliban, support was provided in a relative vacuum of state institutions and structures. And although much technical assistance has been provided by donors to aid the GoA in building a functioning state, need assessments and results-oriented policies have been scarce. The EU has taken this problem into account by writing its Technical Cooperation Backbone Strategy, which took its critics on board; one example is that it has realised how ‘a significant proportion of TC continues to be supply-driven with an overall low level of ownership and involvement on the part of partner countries, and by weak lines of accountability to the partner’<sup>914</sup>. The Technical Cooperation backbone strategies have therefore provided a measure through which institutional-learning can be institutionalised and systematically applied.

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<sup>912</sup> Cf. Banerjee (2008), pp. 241-243

<sup>913</sup> EEAS (2011a)

<sup>914</sup> EuropeAid (2008), p. 10



To conclude this analysis, it is worth referring to the European Foreign Policy Scorecard 2010, which is calculated by the European Council on Foreign Relations, an independent think-tank<sup>915</sup>. This report awarded marks to EU Crisis Management Missions and in particular to EU state-building and nation-building efforts in the DR Congo, Kosovo, Bosnia and Herzegovina, Iraq and Afghanistan. Shockingly, the stabilisation and state-building efforts in Afghanistan were given the worst marks of the five. It was given a C+ which corresponds in their evaluation to “sufficient”. Their overall judgement on the 2010 developments was summarised in the following words: ‘European military forces have been side-lined by the US surge, and EU police training condemned for its weakness while the Afghan insurgency spreads’<sup>916</sup>. While learning often reminds people of school, the suggestion of awarding marks or grades is not far-fetched, but it is questionable whether it is appropriate. The problem remains that every state-building effort is unique and such evaluations which lend themselves to generalisations are therefore not really effective.

For the EU not to lose its hard earned credit as an international actor, it must be more consistent in its institutional-learning efforts. Too many learning loops have been left un-closed, or learning has been too slow in its implementation. It cannot – and should not – expect other institutions such as the UN, the World Bank or the US to take up the slack as this would only undermine the EU’s reputations as an international actor and would reduce it to a mere regional actor who is more interested in cleaning its own house or its front steps (EU neighbourhood) but is oblivious to what is happening on the street (world).

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<sup>915</sup> Vaisse and Kundnani (2011)

<sup>916</sup> Ibid., p. 106

## Conclusion

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Is the EU seen to have been learning in its policy approaches to state-building in post-conflict states, or is it aimlessly trying to fit into shoes which seem to be a size too large? As this thesis has shown, the answer is a complex one – influenced by the EU's self-perception, its understanding of state-building and its capacity to engage in such undertakings outside of the enlargement sphere (namely in post-conflict states), not to mention the complexity of policy change as such and the post-conflict country chosen for analysis - namely Afghanistan.

In the report on the implementation of the European Security Strategy (ESS), it is stated that '(t)he ESS acknowledged that Europe has security interests beyond its immediate neighbourhood. In this respect, Afghanistan is a particular concern. Europe has a long-term commitment to bring stability'<sup>917</sup>. Besides Europe's security interests, this statement demonstrates the EU's clear commitment not only to Afghanistan but also to state-building. Taking into account the length of EU engagement in Afghanistan, the analysis portrayed in this thesis should very well render it feasible to pinpoint the extent of any changes in policies and determine the causes for change – whether initiated by institutional-learning or adaptation.

This Conclusion therefore has a twofold structure: it will first summarise the prominent points of the thesis, highlighting its key arguments and the gaps in learning that still remain. Secondly, it will shift the debate slightly to a different state-building approach which could very well be interesting to explore in relation to the scope of institutional-learning and EU experiences in Afghanistan derived from this study. Should this approach be applied, this will pose an avenue for further research since it promises to increase the EU's state-building capacities and position it with more prominence as an institution on the state-building map.

### Contribution

The intention of this thesis was not to justify the EU's state-building efforts in Afghanistan<sup>918</sup>, but to analyse these state-building attempts under the premise of policy change and whether these changes were caused through institutional-learning, adaptation or something completely different. This was achieved by evaluating the implementation of these EU policies in Afghanistan. The thesis' aim was to provide evidence and categorise these changes depending on their cause. In the

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<sup>917</sup> Council General Secretariat (2009), p. 18

<sup>918</sup> The EU confirmed its unreserved support for the coalition's action undertaken in self-defence and in conformity with United Nations Resolution 1368. Cf. (PRES/01/414, European Council - General Affairs (2001))

case of evidence of institutional-learning having been identified it classified the learning category otherwise it attributed the change to either internally or externally motivated adaptation. As such it situated the findings in the wider debate that the state-building efforts by the EU are part of an institutional process of development by the EU to establish itself as a global actor.

The aim of the thesis was to contribute to scholarship by combining the four components of “institutional-learning”, “state-building”, the EU and Afghanistan within one analytical process – an approach which as such has not been attempted so far. These four features are not new in themselves and have individually all attracted significant debate in the literature old and new; but due to developments in the political sphere, they have each assumed renewed importance. Hence the accumulation of all four components in one analysis can not only be trend-setting for further research but can also provide possible suggestions for policy alterations. Each component has been discussed and key aspects, leading to their establishment as variables in the context of this thesis, have been duly extracted. The thesis does not intend to pass judgement on whether EU state-building in Afghanistan has so far been a success or failure – this will be left to others. The much more constructive approach of analysing signs of institutional-learning in order to advance improvements in this field was pursued.

The author’s decision to focus on this combination of components derives partly also from personal conviction, as she considers the EU to be an institution which should play a more prominent role, since it combines the European States in a unique setting, providing them with a platform to make their contributions and approaches to state-building (and development assistance as a whole) more aligned and meaningful. Furthermore, the decision-making body of the EU is not constrained by veto-powers as is the Security Council of the UN, therefore making it a more equal playing field. And most of all, having been brought up in Germany, the author fosters a personal sense of what state-building can achieve – since Germany was privy to substantial international state-building through the Marshall Plan after World War II. Germany, just like present-day Afghanistan, once posed a “security-threat”– albeit of a different nature. Against the background of these two personal preferences and convictions, it was an obvious choice to combine the two components and analyse the EU’s state-building approach in Afghanistan. The analysis of pertinent literature has further shown that fragile states such as Afghanistan are not isolated occurrences – i.e. Afghanistan will not have been the last state which

will need to be rebuilt after a conflict – making EU policy learning in post-conflict state-building even more relevant and the analysis of learning as an institution extremely pertinent<sup>919</sup>.

The use of process tracing in International Relations is still a relatively novel approach with only a few important proponents. But as institutional-learning is a lengthy and complex process, this method seemed fitting as it also allowed and required the narrative element necessary for assessing learning and change. By including an analysis of the thriving and popular field of state-building studies together with the performance of an international organisation, and by further including the country study of Afghanistan, this thesis should contribute to strengthening the growing literature in these fields by adding a unique angle of analysis.

As all the components justified and called for a discussion in themselves, the thesis approached each succinctly before merging them in a final assessment. Chapters I-IV lay the basis for such an analysis, each placing the debate surrounding one of the thesis's components in the context of the relevant literature and then filtering out not only the variables guiding the research, but also the implications of these debates for the concluding analysis of the thesis.

Chapter I dealt with the development of the Common Foreign and Security Policy (CFSP) which forms the basis for EU state-building policy. By comparing the developments in CFSP policies since its initiation in the Treaty of Maastricht, policy changes became apparent and institutional changes became evident to counteract difficulties previously faced. The thematic evolution of the CFSP was traced throughout the various treaties and official documents which enabled the thesis to show that a thematic development took place. The need for a change in policies was shown with regard to the EU establishing itself as a political actor and within the focus of its change in self-perception. The uniqueness of the EU as an actor was attributed to how the EU has furthered the spreading of its norms and values through its (particularly economic) partnership with third countries. The EU's actorness was further discussed in hindsight of institutional-learning within this organisation and it was determined that the actorness of the EU varies depending on whether one considers the EU inside its own borders and its impact on the outside world as a singular actor within the processes of IR. The chapter then proceeded to provide evidence that the change in self-perception improved policy delivery as effectiveness and coherence had increasingly been inscribed in relevant policy documents – hence the attribution of this as an independent variable for the remainder of the thesis. It was suggested that the change

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<sup>919</sup> Due to differing criteria the World Bank considers 33 countries to be fragile in 2011 while the OECD classifies 44 as fragile and conflict affected.

in behaviour indicated being more than simple adaptation or change. The thesis postulated that these institutional changes could in fact be considered institutional-learning. The claim was advanced that the EU might be using this uniqueness to further its state-building approach, since the consolidation of human rights clauses and the inclusion of democratic values in the external action instruments appeared a step in this direction. The lack of any official EU reference to “state-building” was seen as regrettable and therefore made Chapter II necessary. Chapter I closed with a portrayal of budgetary evidence which hampered the previously enthusiastic description of the EU as a determined international actor in the sense that the related budget lines indicated that while there had been an increased rhetoric of the EU as an international political actor, this development could not be supported by the evidence found. While a general “increase” was discernible, this thesis maintained that the marginal increase in funding was in no way proportionate to the change in self-perception the EU underwent. The chapter therefore recognised that the thematic development by the EU was a mixture of adaptation to circumstances and a touch of self-realisation, which paved the way for Chapter II.

As the state-building concept of the EU is not a stand-alone concept and there is as yet no official document outlining this as such, the thesis had to take the detour of showing how this concept developed and what it contained. Chapter II approached this from an institutional viewpoint (EU policy) and by outlining that the EU had in fact a history of institutional engagement in third countries which resembled state-building. This was achieved through a discussion of EU-led democratisation and regime change which were identified as predecessors to the EU state-building policies. A brief discussion of EU state-building in Greece, Spain and Portugal, in ACP<sup>920</sup> countries and in post-communist accession countries was used to bring to light the development of EU state-building. The examples were used to point out those instruments available to the EU and to portray their leverage in state-building; it became apparent from these examples that the *EU does have political leverage but is not using the entire means at its disposal* – particularly economic means – *to require compliance with its policies*. The use of the term “compliance” of course raises the further problem of how much of the state-building process was really a “partnership” and how much “ownership” was really held by the recipient country – a challenge that was also encountered later in the case study. The lack of a “carrot” (rather than a stick), such as was so effective in the post-communist states of Central Eastern Europe, became apparent. The analysis

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<sup>920</sup> The ACP states are used as examples of countries outside the Union, because the Central Eastern European Countries were applying for membership which places them de facto within the Union; additionally, their case is also examined in Chapter IV.

at this point also pointed out that while the EU is considered a natural state-builder<sup>921</sup> its own usage of the term (and its understanding of the concept) is still very limited. After the chapter therefore affirmed that the EU has all the policy instruments necessary for state-building at its disposal, it briefly addressed the change in attitude in international development associated with state-building. The question whether this policy change by the EU could be considered institutional-learning could not be answered definitively as the institutional-learning Framework was still to be drawn up. Nevertheless, the initial discussion allowed the author to demonstrate that the *EU tends to lag behind in adopting development concepts*. This conclusion was supported during the interviews in Brussels. Turner<sup>922</sup> pointed out that such a lagging behind was not always a bad thing, particularly from an institutional-learning perspective. This “lagging behind” might also be seen as a way in which the EU profited from errors made by other international organisations – which in turn would be a valid example for policy-transfer. While the author concurred with his positive reasoning, the elaborations also showed that the EU was often slow in adapting new policies.

Chapter III followed immediately on from Chapter II. While the previous chapter addressed state-building from an institutional perspective (EU policy), Chapter III addressed the concept from a content angle by providing a synthesis of the understanding of post-conflict state-building in the literature. The significance of fragility and good (enough) governance as well as of the diverging definitions by academia and by development actors were placed in historical context. The close relationship between the concepts of governance and state-building was underlined in that they both deal with similar issues and are directly concerned with the improvement of functioning institutions. The discussion also proved helpful to understand the gap in implementation priorities between international actors and their Afghan counterparts. By introducing the discussion of the functions a state should ideally fulfil, the notion of state-building was then approached. It became clear during the theoretical discussion (and even more so during the case study) that the state-building process is a very interdependent process and success and failure can depend on the right timing of certain strategies. Thus, the *interdependence between these four elements was established* and its significance determined for post-conflict states: if the provision of public goods in these four subcategories fails, the state is very likely to collapse, while if they are provided the circle will be a reinforcing one. Most importantly, the security and development nexus had been recognised by the EU: ‘[a]s the ESS and the 2005 Consensus on Development have acknowledged, there cannot be sustainable development without peace and security, and

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<sup>921</sup> Chalmers, von der Schulenburg and Braithwaite (2005), p. iii

<sup>922</sup> Turner (2011)

without development and poverty eradication there will be no sustainable peace'<sup>923</sup>. The establishment of the independent variable of post-conflict state-building was therefore reasonably straight forward. Most importantly for the continuation of this thesis, the chapter established the four main elements of state-building: security, institutions, political and civil rights and economic and social rights. This break-down into four elements was essential for the operational aspect of the thesis as it facilitated a systematic discussion of the concept of state-building, as otherwise the mere reference to an all-encompassing state-building concept would have been too broad and confusing.

After the two components of EU Foreign Policy and state-building had therefore been defined sufficiently for them to be “operational” for the continuation of the thesis, Chapter IV then proceeded to introduce the third component: institutional-learning. As such this component was the most important of all, as it guided the analysis aspect under which all forthcoming developments were scrutinised. The discussion of the actual “action” of learning was preceded by placing institutional-learning as well as institutions in a theoretical debate. In this sense the chapter determined that the theoretical standpoint of this thesis was that the actor (the EU) was assumed to act under *bounded rationality* in a setting defined by *international institutionalism*. Remaining with the subject of the actor, the chapter then proceeded to distinguish between “organisations” and “institutions”. It was determined that the EU is a programme organisation in that it consists of several bodies, but by promoting its norms and values and its very specific *modus operandi* it constitutes an institutional framework unlike any other international organisation. Therefore it seemed *justifiable to refer to “institutional-learning” when referring to the EU learning process*. Chapter IV henceforth outlined the different ways in which learning can be achieved and the different schools of thought involved. The key contribution of this chapter was that it defined institutional-learning as *the desire to increase an organisation’s effectiveness by the acquisition and evaluation of new consensual knowledge, hence leading to an elimination of mistakes and a continuous questioning of the status quo. It is desirable that this institutional-learning is then institutionalised in the institutional framework of the organisation*. It also enshrined the paramount preference of double-loop learning over single-loop learning in this thesis. Having at this point completed the analysis, it also becomes obvious that Hatch and Cunliffe’s<sup>924</sup> warning, that it is sometimes difficult to establish if an organisation’s learning has been successful since the indicators of success are constantly being modified, is due more credit than initially believed, particularly if the institution is engaged in state-building in post-conflict states. Not only are the “ins and outs” of state-building

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<sup>923</sup> Council General Secretariat (2009), p. 19

<sup>924</sup> Hatch and Cunliffe (2006), p. 321

policies still under discussion by academia and practitioners alike, but the influences of the actors involved (besides the EU) would sometimes appear to “blur” the conclusions to be drawn. The remainder of the chapter drew up the institutional-learning Framework, thereby providing a systematic approach to policy change (caused by institutional-learning, adaptation or other). This institutional-learning Framework and the operationalisation of the same in the context of this International Relations debate is a further contribution of this thesis. The categories of institutional-learning as defined by this Framework are: *learning from history (success and failure)*, *lesson-drawing together with policy transfer* and *learning by doing*. These learning categories were complemented by the category of *adaptation* which is either caused by pressures internal or external to the EU. This additional category was added with particular hindsight considering the evolution of actorness on the part of the EU. In the eventuality that policy change was detected which would not be classified in either of the above categories, the category of *other* was added. Whilst these categories divide the causes for policy change into separate groups, it became apparent that while all three institutional-learning categories and adaptation have unique features they are of a fluid nature; they are thus *not mutually exclusive*. It proved possible to indicate that instances of policy change may be caused by more than one kind of learning or even learning and adaptation. (An interesting avenue of research to explore in future could be to assess whether institutional-learning caused by more than one trigger is stronger than if it was caused by only one such initiating factor.) The framework helped to differentiate what caused policy change (institutional-learning or adaptation), but also from where the lessons were drawn. Notably for the analysis, the necessity for learning to be of a double-loop nature in order to qualify for this thesis’ IL classification was emphasised.

Following on from the previous chapter, Chapter V drew up the complete Research Framework which combined the institutional-learning Framework and the state-building Framework consisting of the four elements as were defined in Chapter III. This short chapter mapped out how the two frameworks work together and how they were to be employed together in the case-study. The interaction between the frameworks was portrayed explicitly in the drafting of the Research Framework Matrix which then guided the analysis along with the steering questions. This Framework allowed the thesis to analyse EU engagement under the premise of not only post-conflict state-building but also institutional-learning, which represents a further contribution to scholarship.



The thesis then moved on to introduce the case-study and therewith present the fourth and last component: Afghanistan. Chapter VI therefore provided the essential context for the analysis. As Afghanistan has had a turbulent conflict history and the environment is of a changing nature, the chapter introduced the unique country profile. First of all it provided the thesis with the general EU policies towards Afghanistan and pointed out changes and developments. This was achieved by capturing the in-country situation prior to the EU state-building engagement (2001) for each state-building element as defined in the previously drawn up framework by drawing a base-line and then an outcome-line around the end of 2010 (which is the end of the research timeframe). This was deemed necessary as many learning instances are grounded in the realisation by the policy issuing organisation that specific outcomes of policies do not comply with the intended target outcome that these policies therefore have to be altered – the description of these two lines was thus essential for the identification of policy changes and as such to answer the question of whether evidence of institutional-learning could be detected in the EU state-building policies. These lines of comparison also proved useful in the instances in which no further follow-up policy was issued, an indication (if the outcome had been suboptimal) of a lost learning opportunity.

With all four research components anchored in the literature and the Research Framework established, the key analysis surrounding policy change in EU state-building policies was then erected in Chapter VII. By first checking the country-specific EU state-building policies for Afghanistan within the state-building elements, developments were pinpointed and changes noted. Against the background of these changes and bearing in mind the base- and outcome-lines of the previous chapter, the assessment of EU policy change in the field of state-building in Afghanistan was then undertaken. This assessment found *clear evidence that institutional-learning as defined in the course of the thesis had indeed taken place. Confirmation was given that the EU is a learning organisation and that learning from history, learning by doing as well as lesson-drawing and policy transfer had all occurred. The findings of institutional-learning were complemented by evidence of adaptations in the policy, albeit to different degrees within the four elements of state-building.* Equally it was attested that there were several instances of un-closed learning-loops – instances in which there was a realisation that the policies of the time were insufficient or resulted in unwanted results, even though no correcting measures were taken. These un-closed learning loops were indications that at times only single-loop learning had taken place, so that an opportunity for full double loop learning had been missed. It was not always possible to isolate reasons for these failings, but cases were found of a lack of commitment and of perplexity on how to change policies. Additionally, it stood to reason that some inaction

had been due to inter-organisational queries or the influence/priorities of member-states<sup>925</sup>. Several instances were found indicating that the EU had been slower to introduce academic advances in the field than other international organisations. While this cautiousness had prevented the EU from making the same initial mistakes as these other organisations, the *EU as an institution certainly cannot be referred to as a policy innovator*<sup>926</sup>. In order for the EU not to lose its place in the group of international state-building actors – especially at a time at which it is being tested by internal problems and struggles, portraying a less than harmonious picture to the outside (e.g. the present financial crisis) – it needs to focus on the quality of its policies. And in order for this to be achieved, institutional-learning has to find stronger recognition and importance. An attitude shift towards IL as a positive aspect of institutional development rather than a “blame game” has to take place within the EU as an organisation. *Institutional-learning is therefore not only a prerequisite for ameliorating policies but also a means for the EU not to slide into oblivion among the international state-building actors.*

The Analytical Framework in form of the Research Framework proved successful in applying the form of analysis conducted in this thesis to this vast subject incorporating a total of four components. As the aim was to explain policy change (the dependent variable), the Framework concentrated on the two main independent variables (state-building and institutional-learning/adaptation) while the actor (the EU) was previously defined for this setting. By dividing the state-building effort into four pillars it allowed the thesis to examine the entire extent of this enormous project by grouping it into four elements, thus not only attributing certain policies to the corresponding state-building elements but also providing a systematic routine for the analysis (cf. the lines in the matrix). This was then coupled to the institutional-learning framework, which in turn had devised several categories. These categories were previously defined as three institutional-learning categories, two adaptation categories and one other category. This categorisation allowed the thesis to consider the whole spectrum of policy change, preventing the subsequent analysis of the Afghan Case from falling into the trap of finding evidence of what was being sought (institutional-learning) as it provided alternative explanations for this change (cf. the columns of the matrix). The thesis has been consistent in its assumption that IL (as defined by this thesis) assumed the prevalence of double-loop learning because single-loop learning was

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<sup>925</sup> But an assessment of such cases of interdependence would have required a different approach to analysis which would have far exceeded an assessment of institutional and policy learning, as this would need to scrutinise the actors (the bodies of the EU, the member-states) in a different manner – much more along the lines of the assessment performed by Smith (2004).

<sup>926</sup> An important example for this is the dealings of the EU with fragile states. While there are differing claims on where the origins for the concept lie and who the drivers were, it is indisputable that the EU entered the debate at a late stage with their first fragile state policy document dating from 2007. (Cf. Carbone (2009), p. 7)

considered “incomplete” learning. This decision was taken as a consequence of the author’s belief that a simple correction of outcome mismatches is liable to produce quick-fix approaches which, if the “second loop” wasn’t applied, can lead to a repetition of the same “mistake” (as in ineffective policy) being made in a subsequent scenario. In view of the fact that this thesis suggested that the Afghan case under consideration may become a blueprint for further EU state-building approaches, this would constitute a lost opportunity for more effective policies from the “outset”. Hence, given the premise that these policies could become future “lessons”, institutionalisation and change in the underlying assumption of underperforming policies is crucial in the EU’s future development as an international actor. As such the matrix in the Research Framework which formed the basis for the analysis provided a clear pattern for the course of analysis to follow, thus aiding comprehension and providing the analysis with its systematic appearance while simultaneously dealing with two variables (institutional-learning and state-building). This form of analytical framework could therefore very well be applied to other cases by changing one or two of the independent variables to ones which lie outside the defined Research Framework, i.e. either by changing the case study from Afghanistan to e.g. Congo, or by changing the institution involved; these two variables (the actor and the application) would need to be considered separately and to be defined before the analysis guided by the Research Framework could be applied. The Framework is therefore adaptable and could be used in further research endeavours.

The method which has been applied in this thesis – process tracing – lends itself well to the analysis of change, as it allows for the necessary descriptive element which, while tedious and sometimes lengthy, is ultimately required in order to point out the changes between what one can describe as the „before“ and „after“ settings, both of which are required in order to point out causal links. It does however necessitate a substantial amount of evidence, as it is best employed to triangulate this evidence. In the same sense, when dealing with a case like Afghanistan, it may prove impossible to find multiple sources to substantiate certain claims; in such cases an educated guess has to be taken. This problem was encountered in selected instances in the course of this thesis, and the author took great care to minimise these; at times, however, she had to make judgement calls on whether or not to include certain material or conclusions. Despite these shortcomings, this method is still deemed the best suitable one to account for changes and developments as encountered in an analysis of this type, and the author would not hesitate to re-employ it for further research.

## Where does this policy learning lead? – a proposal

There have been many suggestions on how to improve state-building in Afghanistan. But maybe the problem is simply that the EU's aim is too high. What does this mean? The answer to the conundrum could well lie in the interplay of governance and state-building. It is generally agreed that governance is a key factor to making development assistance effective by reducing poverty; the importance of framing reconstruction efforts in terms of governance improvement should therefore really be second nature. And as state-building is the process of supporting and reforming governance and government institutions, it seems essential to building a successful state - and in the case of Afghanistan, to overcoming the threats facing the country. Most academics researching post-conflict reconstruction and state-building would appear to be in agreement on this point. The issue the author would like to raise (and propose) is that just as there has been a debate concerning good governance and good enough governance, it would be just as pertinent to conduct a debate concerning "good state-building" and "good enough state-building". What this means is that in their present state-building agendas the EU and other international organisations seem to aim for the perfect model of a liberal (western) state – but that is conceivably the problem, particularly if one considers that Afghanistan is far from being a liberal country. If this perception of state-building and the aims behind its implementation were to be changed, the frustration and disappointment on both sides – that of the EU as donor and of the Afghans as recipients – would be much diminished. Taking a statement from the European Report on Development which claims that '[...] the drive behind state-building, especially in postconflict settings, inevitably lies in negotiation and compromise rather than in fundamental transformation'<sup>927</sup>, it is possible to argue that there is agreement on such a proposed amendment to the aim. But how much negotiation and compromise has there been in the case of Afghanistan? The assessment in this thesis has proved that *successful state-building needs to be mainly an endogenous process*, which the EU can support but not lead. It can be initiated exogenously – as it has been the case in Afghanistan by disposing of the Taliban government - but the process has to be owned and supported by the majority of the people and the government. The ownership question of the state-building process in Afghanistan has been frequently questioned and the ramifications of this can still be experienced today, as the state is still not providing for its citizens' needs without an overwhelming amount of external assistance. The country has not even reached the "post"-conflict state, as insurgency is on-going and nearly 10 years after the initial invasion there is still no peace agreement<sup>928</sup>. A related tangent for future research would be to

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<sup>927</sup> European Communities (2009), p. 90

<sup>928</sup> Mr Burhanuddin Rabbini, who was put in charge of the High Peace Council by President Karzai, was assassinated 21.9.2011.

analyse what options the EU has for providing the critical element of security within the state-building process. At present it seems that the EU is a specifically post-conflict state-builder – and the emphasis here is on *post*-conflict as its resources are not (at present) sufficient to guarantee security provisions – the EU is too dependent on other actors in this field.

It might seem a strange suggestion for a scholar of the EU to suggest that the EU should set aside (albeit not completely) its liberal norms and values when it comes to state-building in post-conflict states such as Afghanistan. But just as the EU allows different models of democracy for its member states, this leeway should be extended to state-building, allowing post-conflict states to deviate from or have their own version of an effective state. This again shows how important it is for the EU to have a “red-line” discussion of this nature, to determine what values are pertinent to its state-building agenda and which could be sacrificed to allow the recipient country to formulate their own state – bearing in mind that this discussion has direct impact on the EU’s future as a credible state-builder. The EU should have learned from its own intrinsic state-building that ownership in the state-building process is not only important but essential for success and that this cannot be achieved if the state is built on norms and values not shared by the people of the state to be built. By perceiving the post-conflict state as weak and dysfunctional and by objecting to local engagement in the state-building process – and because the goal of a western liberal democratic state has already been decided - local engagement is considered to be a hindrance.

One would think that the EU should excel in the domain of negotiation and compromise, using the words of Chris Patten (former Commissioner for External Relations): ‘if there is any institution in the world, if there is any group of countries in the world that can demonstrate the benefits of multilateralism, of arguing about fish quotas or budgets, rather than murdering one another, it is the European Union.’<sup>929</sup>

For the EU to remain a credible state-builder it might therefore well be necessary to derive a state-building agenda which combines elements of its liberal values with the permission to deviate from the “ideal” at times, thus providing support for the core elements and for allowing the recipient country to make the “decorations” in terms of supplying the details of the other elements.

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<sup>929</sup> Speech/01/429, Patten (2001)

A schematic visualisation of such an (good enough) state-building approach is depicted in Figure C.1:

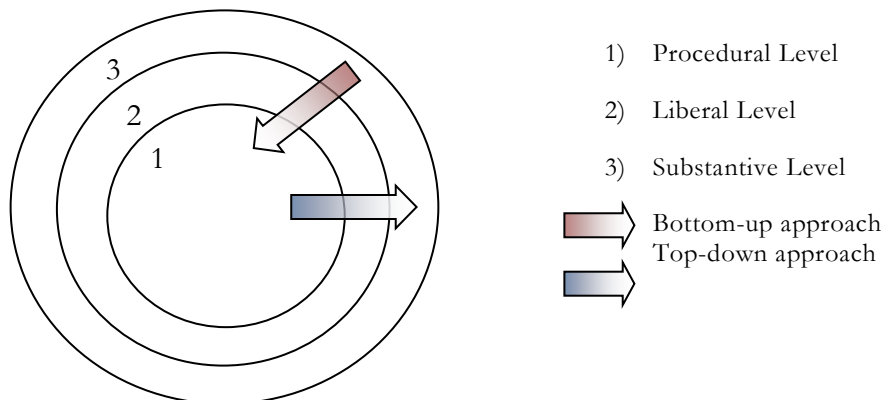


Figure C. 01 Adequate State-Building

The good enough state-building approach is made up of three circles; the inner circle represents the core of the state-building process, consisting of defined procedures and the establishment of institutions (on the analogy of the elements “security and “institutions” as described in the research framework). The middle circle includes the “liberal” elements of civil and political rights and good (enough) governance. The outer circle encompasses the substantive social and economic elements. The difference from other models is that it shows the state-building process to be non-linear, and the boundaries of the circles are blurred to allow for interdependence between the elements. The direction of implementation and directions would be top-down from the core outwards (fading towards the outer circles - blue arrow) and bottom-up from the outside in (fading towards the core - red arrow). This would allow for the main values of the EU to be inserted in the state-building process, while it would also allow greater ownership and influence on the side of the recipient country. It would be a state-building agenda greatly influenced by the basic needs approach and be firmly based in the culture of the recipient country.

In the context of fragile states, the needs of the poor are of particular importance as ‘most governments of developing countries are *not* prioritizing the needs of the absolute poor and are instead focusing on the demands of the more privileged members of society’<sup>930</sup>. Considering the situation of the poor in most fragile countries<sup>931</sup>, it would be important for international organisations such as the EU to reconsider a basic needs approach<sup>932</sup> combined with the (good

<sup>930</sup> Rudra (2009), p. 130 (emphasis as in original)

<sup>931</sup> The World Development Index (2006) gave the percentage of people in LDCs without access to clean water as 17%, 30% still suffer from malnutrition and 25% lack access to basic health care.

<sup>932</sup> The initial movement towards a basic needs approach came after the failure of the Washington Consensus which viewed development solely in terms of an increase in average national income. The shift in approach became visible in the shift from SAPs to PRSPs, which as the name intrinsically states, aimed at reducing poverty. The language of the basic needs approach went out of fashion in light of the Millennium Development Goals (MDGs) and the

enough) state-building approach. The criticism of the basic needs approach was that it was too narrow. When combined with the (good enough) state-building approach, it should be possible for this shortcoming to be avoided, as the liberal element emphasises civil and political rights alongside the rule of law. Critics have raised the objection that ‘the line between basic and non-basic needs was arbitrary, that worldwide standards were impossible to define’<sup>933</sup> and that it was interfering with economic development as proposed by the Bretton Woods Institutions, but the emphasised influence of local input should be well capable of determining what is a required basic need in the local setting and what is not

This approach and the uniqueness of the EU as an international actor could well place it at the forefront of international actors in post-conflict state-building. Combined with institutionalised institutional-learning, this approach might be better tailored to the situations of the recipient countries than the liberal “one fits all” approaches of other actors.

### **Coming full circle**

So are the shoes into which the EU is attempting to slip a size too large? This thesis has provided an assessment of policy change (with special emphasis on institutional-learning) by the EU in state-building in Afghanistan. By using the two frameworks derived throughout the course of presentation it has been able to supply evidence of different kinds of institutional-learning and adaptation in the necessary elements of state-building in the EU approach. It showed that the EU is in fact engaged in state-building and that it is a learning organisation. The analysis demonstrated that it is still not using its leverage to its full potential – partly due to a lack of visibility in its engagements. This thesis thus not only fills a gap in the organisational learning literature, but also contributes to an understanding of EU state-building policies in post-conflict settings. To answer the initial question: while the shoes themselves are not too large, the EU is still attempting to take its first steps in new shoes.

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compilation and use of the Human Development Index (HDI) to categorise countries. The HDI is not infallible as certain trade-offs are not visible in the score. This argument is taken from Rudra (2009), who refers for further elaboration of this argument to his 2008 book: “Globalization and the Race to the Bottom in Developing Countries: Who Really Gets Hurt? New York: Cambridge University Press

<sup>933</sup> Ibid., p. 134

## Appendices

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### ***A. Appendix I - History of Afghanistan and its influence on the conflict***

Recorded Afghan history dates back more than 5000 years. With respect to its more recent history, Afghanistan occupies a unique position – especially with respect to finding itself in the “buffer state” position between expansionist and ideologically influenced plans during the Great Game, the Cold War and nowadays the War on Terror.

Through its strategic position between the Middle East, Central Asia and the Indian subcontinent, Afghanistan has had all the prerequisites to play an important political and economic role in the region, but it has often become a puppet of geopolitical interests. Until 1747, when King Ahmad Shah Abdali, who had been chosen as the king at a Loya Jirga<sup>934</sup>, unified Afghanistan, the country had flourished under a succession of ruling dynasties<sup>935</sup>. During what was later referred to as the Great Game, Britain and Russia vied for influence in Central Asia and henceforth for the inclusion of the Afghan territory in their sphere of power. Rasanayagam points out that it was the issue of security between these two empires which determined Afghanistan’s status as a buffer state rather than the issue of its sovereignty<sup>936</sup>.

But why was Afghanistan, a poor and landlocked country, so important to these great powers? And what influence has Afghan history on present day state-building?

#### **i. The geopolitical importance of Afghanistan**

As can be seen from the Map of Afghanistan (Figure A.1), present day Afghanistan borders on China (76 km), Iran (936 km), Pakistan (2,430 km), Tajikistan (1,206 km), Turkmenistan (744 km) and Uzbekistan (137 km)<sup>937</sup>. As such the word “Afghanistan” is a British construction and was first used in the Anglo-Persian Treaty of 1801.<sup>938</sup>

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<sup>934</sup> Rubin derives his definition of the “Loya Jirga” from Pashto (“great council”) which is, in his view, a traditionalist institution of the Afghan state by which the regime might claim tribal legitimation. (cf. Rubin (2002b), p. XXX)

<sup>935</sup> Cf. Center for Economic and Social Rights (2002), Annex 4

<sup>936</sup> Cf. Rasanayagam (2005), pp. 162ff

<sup>937</sup> Cf. CIA World Fact Book (2011). The length of the border to each country is given in km.

<sup>938</sup> Allan (2003), p. 195





Figure A.01 Map of Afghanistan<sup>939</sup>

In the 18th and 19th Centuries, people would have referred to the regions by their tribal names and any reference to the larger area would have been to “Pashtun”, which also implies that the inhabitants speak Pashto, although this is not the case since Afghanistan has 55 ethnic groups speaking 45 different languages<sup>940</sup>. Griffiths claims that it was only through Persian and English writers that the name “Afghan” (and “Afghanistan” for the territory) came into use, as the ruling house was Afghan<sup>941</sup>. In this context, Saikal makes a very valid observation that ‘as the modern centralised state has been an artificial construct in Afghanistan, so too have been the elaborate ideologies employed by modern elites to justify relations of domination in society’<sup>942</sup>. This thesis cannot go into detail concerning all these ideologies, but includes his listing for the purposes of illustration: ‘Abdur Rahman Khan’s ideas of absolute monarch, the “constitutionalism” of Amanullah Khan, the gradualism of the Musahiban rulers, the “new democracy” of Zahir Shah, the “socialism” of the *Khaliqis* and *Parchamis*, the Islamism of the Mujahideen and the Islamic medievalism of the Taliban were all mere tools legitimating shifts in power and did not reflect

<sup>939</sup> United Nations Cartographic Section (2011)

<sup>940</sup> Cf. Griffiths (2009), p. 15 and Allan (2003), p. 195

<sup>941</sup> Griffiths (2009)

<sup>942</sup> Saikal, Ravan Farhadi and Nourzhanov (2004), pp. 8-9

fundamental changes in the systems of meaning across society'<sup>943</sup>. Further analysis of the history of Afghanistan shows that most internal conflicts in Afghanistan were not initiated due to differences in religious beliefs or directions in development, but were due to power bartering of the ruling elites to accumulate the highest degree of power with the help of whichever foreign power would be willing to assist. This view is supported by Qassem when he states that many of the political systems mentioned above 'only came to prominence because of support mainly from the colonial powers, the Soviet Union, Pakistan and currently the United States and other international forces'; the dynamics of politics in Afghanistan have mainly adhered to the principle that the new powers are placed in control in the wake of 'strong foreign support or outright intervention'<sup>944</sup>.

Between 1919 and 2001 Afghanistan had 17 heads of state<sup>945</sup>; six of which were killed while in power (executed or assassinated). All others (apart from present-day Karzai) have been "disposed of", overthrown or pressured to resign. This constant political upheaval lies at the bottom of the prolonged duration of Afghanistan's state fragility and clearly illustrates that it does not have a history of political stability to look back on for the present post-conflict state-building efforts.

The political fragility of Afghanistan is not only the result of an internal competition of power but also due to the internationally contested sphere of influence of external powers. This contestation manifested itself not only in the recent intervention post 2001. Two concepts/events highlight this problem faced by Afghanistan over the centuries: the first is the concept of Afghanistan being a buffer state between expanding powers – particularly during the "Great Game". The expanding powers were only interested in Afghanistan as a buffer to prevent hostility between themselves and not in the country as a nation. In conjunction with the Great Game the drawing of the Durand Line was a second influencing event: to the present day it constitutes a border of Afghanistan, but a border which was drawn in accordance with the preferences of these expanding powers – without consultation with the people of Afghanistan – and which still influences present day foreign relations of Afghanistan, as such contributing to its on-going fragility. This fragility was further enhanced by the purpose of the Afghan state being hijacked by external actors for their own cause.

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<sup>943</sup> Ibid., p. 9

<sup>944</sup> Qassem (2009), Introduction

<sup>945</sup> Cf. Ibid., Appendix I, a reproduction of which can be found in Appendix II to this thesis. The only natural succession to the throne was the reign which ended in 1919. Amir Habibullah Khan, who reigned from 1901 to 1919, was – without precedent and so far without equal in the history of Afghanistan – the only peaceful succession. (cf. Rubin (2002b), p. 52)

The purpose of the following historical section is to point out how the state of Afghanistan has been a plaything between different external powers. Due to the constant change in actors, Afghanistan has hardly ever experienced a time without yet another external influence, preventing the Afghan state from developing. Instead ethnic division has increased, the state has become aid-dependent and the country has been engaged in continuous conflict. This also serves as an indication of the reasons for the ordinary Afghan's resilience and mistrust of international state-building engagement at present. So who were the external actors and what was their influence on the Afghan state?

#### **a) Buffer state and the "Great Game"**

The Oxford dictionaries define "buffer state" as 'a small neutral country situated between two larger hostile countries and serving to prevent the outbreak of regional conflict'<sup>946</sup>. So how did Afghanistan become a "buffer state"? And what was "the Great Game"? Figure A.2 illustrates British and Russian advances at this time which led to what was later termed "Great Game"<sup>947</sup>. The term "Great Game" was coined by Arthur Connally in 1835 and later popularised by Rudyard Kipling<sup>948</sup>. It refers to the long struggle between Britain and Russia for influence in Central Asia<sup>949</sup>. For the British, their presence in Afghanistan was of "imperial necessity", derived from the argument, that

'if India could not be defended along its existing frontiers, it was essential to push those frontiers forward to the natural barrier of the Hindu Kush. Only in this way could authority and jurisdiction over the wild frontier tribes be established, the Afghans be convinced of the advisability of throwing in their lot with the British, and the Indian Empire be secured'<sup>950</sup>.

But what were the Russian incentives for engaging in Afghanistan? Russia's imperialistic policies resulted in a drive southwards. The official arguments for this move were typical for colonial powers of the time: 1) geographical, meaning that Russia must have safe borders – preferably

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<sup>946</sup> "buffer state" (2011)

<sup>947</sup> Cf. On the Great Game history see Griffiths (2009), Chapter 2, Rasanayagam (2005), Chapter 1, Rubin (2002a), Chapter 3

<sup>948</sup> An extensive account of Kipling's relationship with Afghanistan and particularly his writings on the Afghan Border Crisis of 1884-1885 can be found in Moran (2005). Kipling called it the Great Game because it set an extraordinary chain of actions and reactions in motion, the major aim being to secure regional domination. Saikal summarises these forces as follows: 'On the one hand, it prompted the British to manipulate the Afghans as a resisting force against possible Russian ambitions in the direction of the Indian subcontinent and the Persian Gulf. On the other, it motivated the Russians to become more assertive in their desire, first of all, to tighten their influence in the Central Asian territories lying between Russia proper and Afghanistan. This in turn increased British determination to do whatever possible to prevent the Russians from expanding beyond the Amu River and threatening British colonial interests. To this end the British eventually developed what became known as the "forward defence policy".' (Saikal, Ravan Farhadi and Nourzhanov (2004), p. 26)

<sup>949</sup> Cf. "Great Game" (2002)

<sup>950</sup> This was the argument known as the "forward policy" and referred to in Griffiths (2009), p. 33

demarcated by the sea; 2) cultural, spreading of the civilising mission of the “white man”, and 3) economic, to open new markets for Russia’s exports<sup>951</sup>.



Figure A.02 Afghanistan the buffer state during the Great Game<sup>952</sup>

With the establishment of British colonies in the Indian subcontinent, the British therefore feeling protective for the region and the Russians pursuing their own ambitions, rivalry was inevitable. Both empires saw Afghanistan as a vital element in their different confrontations. The British regarded Afghanistan as a defence line in their colonial interests, whereas for the Russians Afghanistan was seen as a ‘gate to British interests beyond Turkestan’<sup>953</sup>. As neither of the two had intentions of colonising Afghanistan itself, the country was caught in the middle of the two empires. The “buffer zone” status of Afghanistan was finally inscribed by the drawing of the Durand line. Rubin claims that Britain and Russia paid special attention during the demarcation of Afghanistan that it would be an effective buffer state<sup>954</sup>. The best example of such a demarcation was the Durand Line.

## b) Durand Line

<sup>951</sup> Cf. Saikal, Ravan Farhadi and Nourzhanov (2004), p. 25ff

<sup>952</sup> Le Monde (2010a)

<sup>953</sup> Saikal, Ravan Farhadi and Nourzhanov (2004), p. 26

<sup>954</sup> Rubin (2002a), p. 48



As Britain had to suffer severe military defeats in the first two Anglo-Afghan wars (First: 1839-1842, Second: 1878-1879), the British took recourse in the strategy of weakening the Afghans by dividing their people along tribal lines<sup>955</sup>. Hence ‘Great Britain’s influence eventually prevailed and Afghanistan became a de facto British protectorate in 1880<sup>956</sup> until it gained independence in 1919 as a result of the third Anglo-Afghan War (February-August 1919). In line with this tactic, the British established the so-called Durand Line in 1893. Figure A.3 also illustrates the delineation and redistribution of territory. The map on the left shows the distribution before 1876, and that on the right shows the territory of Afghanistan after implementation of the Durand Line in 1893.

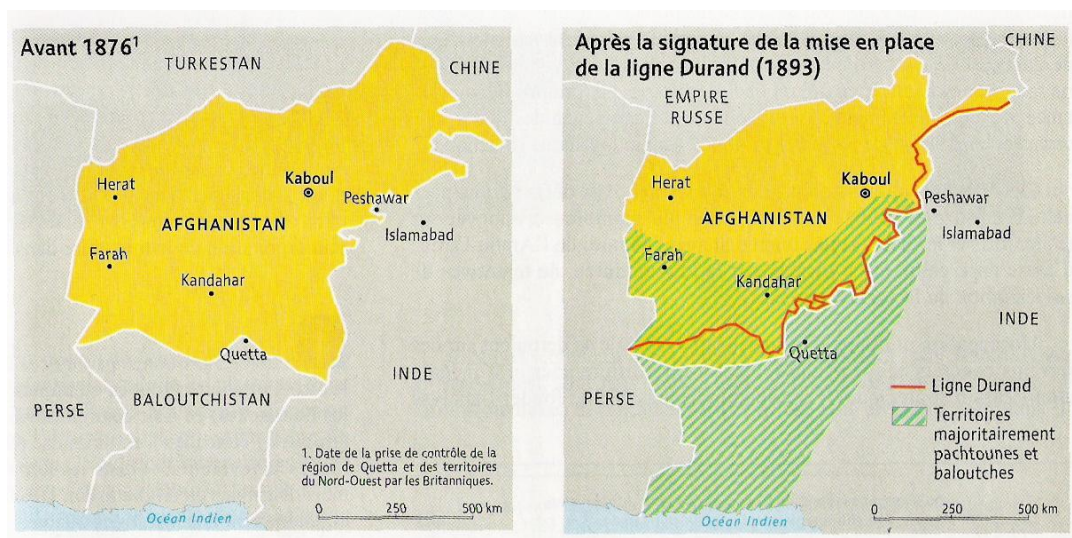


Figure A.03 The Durand Line<sup>957</sup>

The reasoning behind the British design of the Durand Line was as follows: the Durand Line was intended to prevent tribal feuds from inviting Russian influence. The value of this corridor was to ensure that ‘British India and Russia would have no border, and hence no border incidents’<sup>958</sup>. In order to make sure that this Pashtun belt stayed under British control, this “scientific frontier” which now marks the border between Afghanistan and Pakistan (previously India until the split) was designed ‘along a topographic ridgeline that could be held at strongpoints blocking key mountain passes’<sup>959</sup>.

But what did the Durand Line mean for the Afghans? It was imposed despite Afghan objections; it arbitrarily ‘divided Pashtun tribes living in the area and gave the British control over what would

<sup>955</sup> Cf. Center for Economic and Social Rights (2002), p. 54

<sup>956</sup> Haas and Hoos (2003)

<sup>957</sup> Le Monde (2010b)

<sup>958</sup> Cf. Rubin (2002b), p. 49

<sup>959</sup> Cullather (2002), p. 516 ff On the Pathan Renaissance see Griffiths (2009), Chapter 3

later become the Northwest Frontier Province (NWFP) and Baluchistan'<sup>960</sup>. It cut across seasonal migration routes and restricted Pashtun autonomy, facilitating new forms of indirect influence over peoples on both sides. Apart from this, it also complemented the cultural strategy of favouring Pashtuns in British dealings with the peoples (Pathan Renaissance)<sup>961</sup>. The favouring of one ethnic group over others was a custom often used by colonial powers. In course of this pacification process, the national language was changed from Dari (a Persian dialect) to Pashto, portraying the new Afghan regime's attempt to bring all tribes under the control of their rational and central state<sup>962</sup>. The line caused controversy from the outset, as it created a set of territories within the NWFP 'that remained under British sovereignty but outside of its colonial administration'<sup>963</sup>; no Afghan government ever accepted the Durand Line as an international border. This dispute gained new significance with al-Qaida and Taliban fighters using such territories as a safe haven to launch attacks in Afghanistan in the post-9/11 hostilities.

### c) Political developments after the First World War

It was King Amanullah Khan who declared Afghanistan's independence in 1919, while the neighbouring empires were distracted by internal politics (Britain was still digesting the effects of the First World War and Russia was struggling with its own revolution)<sup>964</sup>. It was at this point in time that Afghanistan's first constitution was drafted (1921). Independence cost Afghanistan the British subsidies and as the state now had to pay for technical assistance, it had to develop a domestic resource base, resulting in an ambitious plan for reforms and modernisation of the Afghan State<sup>965</sup>. Most notable for the development of Afghanistan were the instituting of 'full private property in arable land and pasture', the abolishing of slavery and forced labour and the establishing of a new currency – the "Afghani"<sup>966</sup>. However all such efforts met with strong resistance from the clerical opposition – resulting in rebellion, the king's abdication and exile in 1929.<sup>967</sup> A short episode of power by the Saqaoists<sup>968</sup> followed. Once the Saqaoists were defeated,

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<sup>960</sup> Barfield (2007). Baluchistan: 'Province bounded by Afghanistan (N), the Arabian Sea (S) and Iran (W). Area 347,000 sq km (134,000 sq. miles). Chief town Quetta. The N was formerly under British control; the S comprised the princely states of Kalat, Kharan, Las Bela and Makran. [...] British control of the N was secured during the Afghan Wars of the 19th cent. and a military base was established at Quetta. Passed to Pakistan 1947.' (cf. "Baluchistan" (1999))

<sup>961</sup> Cullather (2002), p. 517

<sup>962</sup> The „National Awakening and Nationalism“ is discussed in the Chapter with that same heading Saikal, Ravan Farhadi and Nourzhanov (2004)

<sup>963</sup> Cf. Barfield (2007)

<sup>964</sup> On the Afghan Monarchy of that time see Rasanayagam (2005), Chapter 2

<sup>965</sup> Cf. Rubin (2002b), pp. 54-58

<sup>966</sup> Cf. Rubin (2002a), pp. 54-55

<sup>967</sup> Cf. Saikal, Ravan Farhadi and Nourzhanov (2004) on effects of independence and modernisation.

<sup>968</sup> The term Saqaoist is derived from their leader Bacha-i-Saqao; their influence lasted for only 9 months. It was a devastating period for Afghanistan as it ruined the country. "Trade and agriculture were badly crippled, people half

Afghanistan was once again ruled by a king. As British influence in this region started to decrease due to the striving for independence by its former colonies<sup>969</sup>, Britain soon lost interest in Afghanistan. This, together with other effects which will be dealt with in more detail in due course, left Afghanistan to turn once again towards the Soviet Union for economic and military aid. And with the Second World War and the outbreak of the Cold War, Afghanistan found itself once again between two powers vying for influence over it.

#### **d) Effects of the cold war on Afghanistan**

While not directly involved in the cold war, Afghanistan was to become a contested proxy location for the two superpowers in their attempts to defy the other's ideology. Shortly after Afghanistan gained its independence from Britain, Afghanistan attempted to forge ties with the USA, as the US 'was a physically distant great power, capable of helping a country like Afghanistan without acquiring the geographical leverage [...] to intimidate it', and secondly had 'a relatively unblemished colonial image'<sup>970</sup>. But despite the ambivalence shown by the US towards Russia and its perception of 'Afghanistan as unimportant to the USA'<sup>971</sup>, it considered the country a British responsibility. Deprived in this way of western support, Afghanistan agreed to an Afghan-Soviet Friendship-Agreement (1921)<sup>972</sup>. Despite the fact that Nadir Shah (1929-1933) ended this close relationship between Afghanistan and the Soviet Union, he nevertheless agreed to a Neutrality and Non-Aggression Pact (1931).

The years after the Second World War were marked by national awakening and by tribal intrigues<sup>973</sup>. With India's independence in 1947, British interest in the region waned and the United States was emerging as a great player on the international stage, although the US still did not show much interest in Afghanistan. When Afghanistan tried to revise the Durand Line agreement, this led to border conflicts between Afghanistan and Pakistan<sup>974</sup>. The US provided no support to Afghanistan in the question of the legitimacy of the Durand line. Since Pakistan soon became a member of the South East Asia Treaty Organisation (SEATO) and Central Treaty Organisation (CENTO), both of which were pro-western (and anti-communist), and the US was making aid dependent on membership of these organisations, Afghanistan was forced to abandon

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starving and diseased and many dressed in rags with their skin showing through the rents and imploring for food, villages deserted, houses burnt, thousands of people rendered homeless, schools and colleges entirely closed, some of them burnt and demolished." Cf. Fry (1974), p. 55

<sup>969</sup> India, for example, declared independence in 1947.

<sup>970</sup> Saikal, Ravan Farhadi and Nourzhanov (2004), p. 64

<sup>971</sup> Ibid.

<sup>972</sup> On Afghan-Soviet Relations in the context of development and stability prior 1979 see Qassem (2009), Chapter 2

<sup>973</sup> Cf. Griffiths (2009), Chapter 4

<sup>974</sup> Bellers and Totakhyl (2001)

its attempted neutrality in its foreign policy – which in Afghanistan’s case meant its willingness to accept aid and support from whatever source<sup>975</sup>. With the US showing it the cold shoulder, Afghanistan turned to the Soviet Union. The Soviet Union showed its support for Afghanistan also in the question of the Pashtun territories beyond the Durand Line.

As the nations of the world evolved, so did the powers vying for influence in Afghanistan change: Afghanistan therefore became the first country to receive Soviet aid<sup>976</sup>. Additionally, the Soviet Union supported Afghanistan in the form of a credit agreement in 1956 - the reason lying in the gas and crude oil reserves in Afghanistan<sup>977</sup>. In an attempt to regain American support, Afghanistan joined the Non-Alignment Movement in 1961 in an attempt to show its political independence from Soviet influence, but the USA was cautious not to become involved in the Afghan-Pakistan dispute – which it felt it would have been if it had granted the Afghan request for arms and economic support<sup>978</sup>.

In 1973, Afghanistan was once again faced with a coup: Muhammad Daud Khan overthrew King Zahir Shah and named himself President and Prime Minister of Afghanistan<sup>979</sup>. He was aided by a pro-Soviet communist party (the People’s Democratic Party of Afghanistan (PDPA)) which demanded stronger ties between the newly founded Republic of Afghanistan and the Soviet Union. He introduced an economic policy which was intended to lead to economic growth. Five-year plans were drawn up, closely reflecting the strong Soviet influence<sup>980</sup>. Fostered by Pashtun uprisings sponsored by Kabul along the Durand Line, the relationship between the two countries worsened. In 1973 the first Mujahideen force was set up in Islamabad. From 1976-77<sup>981</sup>, Daud Khan tried not only to normalise relations with Pakistan but he also announced a constitution banning the PDPA. Relations became more ambivalent when Daud appointed two anti-communist ministers as it was suspected that the PDPA was being instrumentalised by the Soviet Union. As a consequence, he proclaimed an anti-Soviet policy in its stead. He even started to turn to the west for aid, but as Afghanistan was still unable to enjoy normal relations with Pakistan – due to the on-going differences over the Durand Line – only Iran offered aid<sup>982</sup>.

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<sup>975</sup> Cf. Ibid. and Saikal, Ravan Farhadi and Nourzhanov (2004), pp. 118ff and Bellers and Totakhyl (2001)

<sup>976</sup> Center for Economic and Social Rights (2002), p. 56

<sup>977</sup> Ibid.

<sup>978</sup> Saikal, Ravan Farhadi and Nourzhanov (2004), p. 121-122

<sup>979</sup> Rasanayagam (2005)

<sup>980</sup> Bossin (2004), pp. 79-89

<sup>981</sup> Cf. on this time period Rasanayagam (2005), Chapter 5

<sup>982</sup> Center for Economic and Social Rights (2002), p. 58 The offer was two billion dollars over the ten-year period of 1974-84.



As the tensions between Daud and the pro-communist PDPA climaxed, a military coup d'état placed Taraki in power. Qassem states that 'the USSR had been presented with a *fait accompli* by the PDPA leaders and it was expedient to help consolidate the new Afghan regime'<sup>983</sup>. The Soviet Union was the first country to extend formal recognition to the new Afghan regime in 1978, and a Treaty of Friendship, Good Neighbourliness and Co-operation was duly signed. Taraki was followed by three prime ministers, all equipped with economic development strategies, but only very few of their optimistic plans were put into effect due to the persistent state of political uncertainty. As a result of internal rivalries within the PDPA, guerrilla warfare throughout the country arising from the coup, the new reforms and an increased armed campaign led by the Mujahideen, governmental stability in Afghanistan was gradually diminishing. Despite these developments, a phase of democratisation was reached during these ten years (1978-1987) and several political parties were founded during this time.

As governmental control was decreasing due to radical social reform, the Soviet Union invaded Afghanistan in 1979 'in order to topple an unwanted government and to ascertain the taking of power by a leadership under Moscow's control'<sup>984</sup>. It furthermore asserted that the state of instability on the southern border between the countries made the invasion of Kabul necessary<sup>985</sup>. This led to a direct response by the USA with the intention of engaging the Soviet Union in a regional conflict. The USA and Soviet Union realised that the internal conflict potential in Afghanistan could be used for their purposes of fighting a "proxy-war"<sup>986</sup>. The USA developed the Carter Doctrine<sup>987</sup> leading to the establishment of close working relations between the USA and Pakistan. Volunteers (mostly Mujahideen) were trained by US forces to fight in Afghanistan – including Osama bin Laden. Finally, in 1989 with the help of UN-mediated negotiations, the Soviet Union withdrew from Afghanistan; but the Geneva Accords 'failed to address adequately the issue of the post-occupation period and the future governance of Afghanistan'<sup>988</sup>. So what began as a fight against an occupation was transformed into an internal power struggle among the Mujahideen factions which refused to negotiate with the government. This in-fighting continued for another three years. The government which was formed with the Mujahideen factions – the interim Islamic Jihad Council – was unstable and civil war erupted. What is interesting to note at

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<sup>983</sup> Qassem (2009), p. 67

<sup>984</sup> Danspeckgruber and Finn (2007), p. xxii

<sup>985</sup> On the Soviet invasion and rule cf. Saikal, Ravan Farhadi and Nourzhanov (2004), Chapter 8, Rasanayagam (2005), Chapters 7+8 and Giustozzi (2000)

<sup>986</sup> Bellers and Totakhyl (2001)

<sup>987</sup> President Carter stated that energy resources in the Persian Gulf were to be protected against the Soviet threat by any means possible. This was formulated in the State of the Union Address of January 23 1980. (cf. "Carter Doctrine" (2011))

<sup>988</sup> Barakat (2002), p. 805. On the Geneva Accords and Soviet Withdrawal see also Rasanayagam (2005), Chapter 10

this stage with respect to the present day state-building attempts is that while the state did not collapse during this time, it nevertheless lost most of its main functions, in particular the monopoly of violence<sup>989</sup>. What followed was an Afghanistan divided into fractions, each of which was controlled by another warlord.

#### **e) The Taliban**

In 1994, the Taliban<sup>990</sup>, a strong and unified group trained in the same Pakistani camps as the Mujahideen, marched into Kabul and quickly conquered most of Afghanistan – except for the northern territories held by the Northern Alliance. The Islamic Emirate of Afghanistan was founded in 1996. The Taliban “brought a measure of stability to a country devastated by two decades of war, internal conflict, corruption and chaos”<sup>991</sup>. The Taliban adhered to an extreme form of Sunni Islam<sup>992</sup>. Despite their victory, the UN continued to recognise the former government under Rabbani as the legitimate government of Afghanistan. Only Pakistan, Saudi Arabia and the United Arab Emirates upheld diplomatic relations. As bin Laden was held responsible for attacks on the US embassies in Kenya and Tanzania in 1998, the US ordered the bombing of bases in Afghanistan under “Operation Infinite Reach”. In 1999, the UN Security Council Resolution S/Res/1267 (1999) was passed. It deplored the fact that “the Taliban continues to provide safe haven to Osama bin Laden [...]” and urged countries to “freeze funds and other financial resources [...]”<sup>993</sup>. The EU followed this call and implemented restrictions and sanctions (Council Regulation (EC) No 467/2001). In May 2001, US officials visited Afghanistan to congratulate the Taliban on their successful banning of opium production. The US Secretary of State offered 43 million US dollars in emergency aid to cope with the effects of drought. But with the terrorist attacks of September 11<sup>th</sup> 2001, Afghanistan became completely isolated within the international community. On October 7<sup>th</sup> 2001, the United States, with support from the United Kingdom, Australia and the Northern Alliance, invaded Afghanistan as part of its “War on Terrorism” campaign. The purpose of “Operation Enduring Freedom” was to target Osama bin Laden, who was suspected of planning and funding the September 11<sup>th</sup> terrorist attack, and his network al-Qaida, as well as the Taliban government in Afghanistan which was allegedly providing support to both.

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<sup>989</sup> Cf. Bhatia, Goodhand, Atmer, Pain and Sulemann (2003), p. 5

<sup>990</sup> Contrary to popular belief, the Taliban was an ethnic movement, not a religious group. Taliban is a Pashto word with a Pashto suffix attached to the Arabic word “talib”. (Allan (2003), p. 195) There is extensive literature on the teachings and origins of the Taliban (cf. Nojumi (2002), Rasanayagam (2005), parts III+IV: Saikal, Ravan Farhadi and Nourzhanov (2004), Chapter 9; Rubin (2002b), Samimy (2003)

<sup>991</sup> Center for Economic and Social Rights (2002), p.1 (box: “Who are the Taliban?”)

<sup>992</sup> Cf. on Wahhabism: Kepel (2004)

<sup>993</sup> Cf. S/Res/1267 (1999), United Nations Security Council (1999)

## ***B. Appendix II***

### ***Heads of State in Afghanistan since 1919, as listed in Qassem<sup>994</sup>***

- 1 King Amanullah (24 February 1919 - 14 January 1929) – deposed
- 2 King Inayatullah (14 January 1929 – 17 January 1929) – deposed
- 3 Emir Habibullah Ghazi (17 January 1929 – 13 October 1929) – deposed and executed
- 4 King Mohammed Nadir (17 October 1929 – 8 November 1933) – assassinated
- 5 King Mohammed Zahir Shah (9 November 1933 – 17 July 1973) – deposed
- 6 Mohammad Daud Khan (17 July 1973 – 27 April 1978) – overthrown and killed
- 7 General Abdul Qadir, Chairman of The Military Council  
(27 April 1978 – 30 April 1978) – relinquished interim power to civilian leadership
- 8 Noor Mohammad Taraki (30 April 1978 – 16 September 1979) – killed
- 9 Hafizullah Amin (16 September 1979 – 27 December 1979) – overthrown and killed
- 10 Babrak Karmal (27 December 1979 – 24 November 1986) – pressured to resign
- 11 Haji Mohammad Chamkani (24 November 1986 – 30 September 1987) –  
relinquished interim power
- 12 Mohammad Najibullah (30 September 1987 – 16 April 1992) –  
overthrown in 1992, executed 1995
- 13 Abdul Rahim Hatif (16 April 1992 – 28 April 1992) – deposed as interim president
- 14 Sibghatullah Mojaddedi (28 April 1992 – 28 June 1992) – pressured to step down
- 15 Burhanuddin Rabbani (28 June 1992 - 22 December 2001) – pressured to step down
- 16 Mullah Mohammad Omar Mujahid (27 September 1996 – 13 November 2001) –  
overthrown and made fugitive
- 17 Hamid Karzai (December 2001 – present)

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<sup>994</sup> Qassem, Ahmad Shaye (2009). Afghanistan's political stability, Ashgate.

### ***C. Appendix III - The Petersberg (Bonn-) Agreement***

signed on December 5, 2001

(The basis of the present Interim Administration of Afghanistan)

The participants in the UN Talks on Afghanistan,

In the presence of the Special Representative of the Secretary-General for Afghanistan,

Determined to end the tragic conflict in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights in the country,

Reaffirming the independence, national sovereignty and territorial integrity of Afghanistan,

Acknowledging the right of the people of Afghanistan to freely determine their own political future in accordance with the principles of Islam, democracy, pluralism and social justice,

Expressing their appreciation to the Afghan mujahidin who, over the years, have defended the independence, territorial integrity and national unity of the country and have played a major role in the struggle against terrorism and oppression, and whose sacrifice has now made them both heroes of jihad and champions of peace, stability and reconstruction of their beloved homeland, Afghanistan,

Aware that the unstable situation in Afghanistan requires the implementation of emergency interim arrangements and expressing their deep appreciation to His Excellency Professor Burhanuddin Rabbani for his readiness to transfer power to an interim authority which is to be established pursuant to this agreement,

Recognizing the need to ensure broad representation in these interim arrangements of all segments of the Afghan population, including groups that have not been adequately represented at the UN Talks on Afghanistan,

Noting that these interim arrangements are intended as a first step toward the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government, and are not intended to remain in place beyond the specified period of time,

Recognizing that some time may be required for a new Afghan security force to be fully constituted and functional and that therefore other security provisions detailed in Annex I to this agreement must meanwhile be put in place,

Considering that the United Nations, as the internationally recognized impartial institution, has a particularly important role to play, detailed in Annex II to this agreement, in the period prior to the establishment of permanent institutions in Afghanistan,

Have agreed as follows:

#### **THE INTERIM AUTHORITY**

##### **I. General provisions**

- 1) An Interim Authority shall be established upon the official transfer of power on 22 December 2001.
- 2) The Interim Authority shall consist of an Interim Administration presided over by a Chairman, a Special Independent Commission for the Convening of the Emergency Loya Jirga, and a Supreme Court of Afghanistan, as well as such other courts as may be established by the Interim Administration. The composition, functions and governing procedures for the Interim Administration and the Special Independent Commission are set forth in this agreement.
- 3) Upon the official transfer of power, the Interim Authority shall be the repository of Afghan sovereignty, with immediate effect. As such, it shall, throughout the interim period, represent Afghanistan in its

external relations and shall occupy the seat of Afghanistan at the United Nations and in its specialized agencies, as well as in other international institutions and conferences.

4) An Emergency Loya Jirga shall be convened within six months of the establishment of the Interim Authority. The Emergency Loya Jirga will be opened by His Majesty Mohammed Zaher, the former King of Afghanistan. The Emergency Loya Jirga shall decide on a Transitional Authority, including a broad-based transitional administration, to lead Afghanistan until such time as a fully representative government can be elected through free and fair elections to be held no later than two years from the date of the convening of the Emergency Loya Jirga.

5) The Interim Authority shall cease to exist once the Transitional Authority has been established by the Emergency Loya Jirga.

6) A Constitutional Loya Jirga shall be convened within eighteen months of the establishment of the Transitional Authority, in order to adopt a new constitution for Afghanistan. In order to assist the Constitutional Loya Jirga prepare the proposed Constitution, the Transitional Administration shall, within two months of its commencement and with the assistance of the United Nations, establish a Constitutional Commission.

## II. Legal framework and judicial system

1) The following legal framework shall be applicable on an interim basis until the adoption of the new Constitution referred to above:

i) The Constitution of 1964, a/ to the extent that its provisions are not inconsistent with those contained in this agreement, and b/ with the exception of those provisions relating to the monarchy and to the executive and legislative bodies provided in the Constitution; and

ii) existing laws and regulations, to the extent that they are not inconsistent with this agreement or with international legal obligations to which Afghanistan is a party, or with those applicable provisions contained in the Constitution of 1964, provided that the Interim Authority shall have the power to repeal or amend those laws and regulations.

2) The judicial power of Afghanistan shall be independent and shall be vested in a Supreme Court of Afghanistan, and such other courts as may be established by the Interim Administration. The Interim Administration shall establish, with the assistance of the United Nations, a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions.

## III. Interim Administration

### A Composition

1) The Interim Administration shall be composed of a Chairman, five Vice Chairmen and 24 other members. Each member, except the Chairman, may head a department of the Interim Administration.

2) The participants in the UN Talks on Afghanistan have invited His Majesty Mohammed Zaher, the former King of Afghanistan, to chair the Interim Administration. His Majesty has indicated that he would prefer that a suitable candidate acceptable to the participants be selected as the Chair of the Interim Administration.

3) The Chairman, the Vice Chairmen and other members of the Interim Administration have been selected by the participants in the UN Talks on Afghanistan, as listed in Annex IV to this agreement. The selection has been made on the basis of professional competence and personal integrity from lists submitted by the participants in the UN Talks, with due regard to the ethnic, geographic and religious composition of Afghanistan and to the importance of the participation of women.

4) No person serving as a member of the Interim Administration may simultaneously hold membership of the Special Independent Commission for the Convening of the Emergency Loya Jirga.

### B. Procedures

1) The Chairman of the Interim Administration, or in his/her absence one of the Vice Chairmen, shall call and chair meetings and propose the agenda for these meetings.

2) The Interim Administration shall endeavour to reach its decisions by consensus. In order for any decision to be taken, at least 22 members must be in attendance. If a vote becomes necessary, decisions shall be taken by a majority of the members present and voting, unless otherwise stipulated in this

agreement. The Chairman shall cast the deciding vote in the event that the members are divided equally.

#### C. Functions

- 1) The Interim Administration shall be entrusted with the day-to-day conduct of the affairs of state, and shall have the right to issue decrees for the peace, order and good government of Afghanistan.
- 2) The Chairman of the Interim Administration or, in his/her absence, one of the Vice Chairmen, shall represent the Interim Administration as appropriate.
- 3) Those members responsible for the administration of individual departments shall also be responsible for implementing the policies of the Interim Administration within their areas of responsibility.
- 4) Upon the official transfer of power, the Interim Administration shall have full jurisdiction over the printing and delivery of the national currency and special drawing rights from international financial institutions. The Interim Administration shall establish, with the assistance of the United Nations, a Central Bank of Afghanistan that will regulate the money supply of the country through transparent and accountable procedures.
- 5) The Interim Administration shall establish, with the assistance of the United Nations, an independent Civil Service Commission to provide the Interim Authority and the future Transitional Authority with shortlists of candidates for key posts in the administrative departments, as well as those of governors and uluswals, in order to ensure their competence and integrity.
- 6) The Interim Administration shall, with the assistance of the United Nations, establish an independent Human Rights Commission, whose responsibilities will include human rights monitoring, investigation of violations of human rights, and development of domestic human rights institutions. The Interim Administration may, with the assistance of the United Nations, also establish any other commissions to review matters not covered in this agreement.
- 7) The members of the Interim Administration shall abide by a Code of Conduct elaborated in accordance with international standards.
- 8) Failure by a member of the Interim Administration to abide by the provisions of the Code of Conduct shall lead to his/her suspension from that body. The decision to suspend a member shall be taken by a two-thirds majority of the membership of the Interim Administration on the proposal of its Chairman or any of its Vice Chairmen.
- 9) The functions and powers of members of the Interim Administration will be further elaborated, as appropriate, with the assistance of the United Nations.

#### IV. The Special Independent Commission for the Convening of the Emergency

##### Loya Jirga

- 1) The Special Independent Commission for the Convening of the Emergency Loya Jirga shall be established within one month of the establishment of the Interim Authority. The Special Independent Commission will consist of twenty-one members, a number of whom should have expertise in constitutional or customary law. The members will be selected from lists of candidates submitted by participants in the UN Talks on Afghanistan as well as Afghan professional and civil society groups. The United Nations will assist with the establishment and functioning of the commission and of a substantial secretariat.
- 2) The Special Independent Commission will have the final authority for determining the procedures for and the number of people who will participate in the Emergency Loya Jirga. The Special Independent Commission will draft rules and procedures specifying
  - (i) criteria for allocation of seats to the settled and nomadic population residing in the country;
  - (ii) criteria for allocation of seats to the Afghan refugees living in Iran, Pakistan, and elsewhere, and Afghans from the diaspora;
  - (iii) criteria for inclusion of civil society organizations and prominent individuals, including Islamic scholars, intellectuals, and traders, both within the country and in the diaspora. The Special Independent Commission will ensure that due attention is paid to the representation in the Emergency Loya Jirga of a significant number of women as well as all other segments of the Afghan population.

- 3) The Special Independent Commission will publish and disseminate the rules and procedures for the convening of the Emergency Loya Jirga at least ten weeks before the Emergency Loya Jirga convenes, together with the date for its commencement and its suggested location and duration.
- 4) The Special Independent Commission will adopt and implement procedures for monitoring the process of nomination of individuals to the Emergency Loya Jirga to ensure that the process of indirect election or selection is transparent and fair. To pre-empt conflict over nominations, the Special Independent Commission will specify mechanisms for filing of grievances and rules for arbitration of disputes.
- 5) The Emergency Loya Jirga will elect a Head of the State for the Transitional Administration and will approve proposals for the structure and key personnel of the Transitional Administration.

#### V. Final provisions

- 1) Upon the official transfer of power, all mujahidin, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority, and be reorganized according to the requirements of the new Afghan security and armed forces.
- 2) The Interim Authority and the Emergency Loya Jirga shall act in accordance with basic principles and provisions contained in international instruments on human rights and international humanitarian law to which Afghanistan is a party.
- 3) The Interim Authority shall cooperate with the international community in the fight against terrorism, drugs and organized crime. It shall commit itself to respect international law and maintain peaceful and friendly relations with neighbouring countries and the rest of the international community.
- 4) The Interim Authority and the Special Independent Commission for the Convening of the Emergency Loya Jirga will ensure the participation of women as well as the equitable representation of all ethnic and religious communities in the Interim Administration and the Emergency Loya Jirga.
- 5) All actions taken by the Interim Authority shall be consistent with Security Council resolution 1378 (14 November 2001) and other relevant Security Council resolutions relating to Afghanistan.
- 6) Rules of procedure for the organs established under the Interim Authority will be elaborated as appropriate with the assistance of the United Nations.

This agreement, of which the annexes constitute an integral part, done in Bonn on this 5th day of December 2001 in the English language, shall be the authentic text, in a single copy which shall remain deposited in the archives of the United Nations. Official texts shall be provided in Dari and Pashto, and such other languages as the Special Representative of the Secretary-General may designate. The Special Representative of the Secretary-General shall send certified copies in English, Dari and Pashto to each of the participants.

For the participants in the UN Talks on Afghanistan:

Ms. Amena Afzali  
 Mr. S. Hussain Anwari  
 Mr. Hedayat Amin Arsala  
 Mr. Sayed Hamed Gailani  
 Mr. Rahmatullah Mousa Ghazi  
 Eng. Abdul Hakim  
 Mr. Houmayoun Jareer  
 Mr. Abbas Karimi  
 Mr. Mustafa Kazimi  
 Dr. Azizullah Ludin  
 Mr. Ahmad Wali Massoud  
 Mr. Hafizullah Asif Mohseni  
 Prof. Mohammad Ishaq Nadiri  
 Mr. Mohammad Natiqi  
 Mr. Aref Noorzay  
 Mr. Yunus Qanooni  
 Dr. Zalmai Rassoul  
 Mr. H. Mirwais Sadeq  
 Dr. Mohammad Jalil Shams  
 Prof. Abdul Sattar Sirat  
 Mr. Humayun Tandar

Mrs. Sima Wali  
General Abdul Rahim Wardak  
Mr. Azizullah Wasefi  
Mr. Pacha Khan Zadran  
Witnessed for the United Nations by:  
Mr. Lakhdar Brahimi  
Special Representative of the Secretary-General for Afghanistan

#### ANNEX I - INTERNATIONAL SECURITY FORCE

1. The participants in the UN Talks on Afghanistan recognize that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves. To this end, they pledge their commitment to do all within their means and influence to ensure such security, including for all United Nations and other personnel of international governmental and non-governmental organizations deployed in Afghanistan.
2. With this objective in mind, the participants request the assistance of the international community in helping the new Afghan authorities in the establishment and training of new Afghan security and armed forces.
3. Conscious that some time may be required for the new Afghan security and armed forces to be fully constituted and functioning, the participants in the UN Talks on Afghanistan request the United Nations Security Council to consider authorizing the early deployment to Afghanistan of a United Nations mandated force. This force will assist in the maintenance of security for Kabul and its surrounding areas. Such a force could, as appropriate, be progressively expanded to other urban centres and other areas.
4. The participants in the UN Talks on Afghanistan pledge to withdraw all military units from Kabul and other urban centers or other areas in which the UN mandated force is deployed. It would also be desirable if such a force were to assist in the rehabilitation of Afghanistans [sic] infrastructure.

#### ANNEX II - ROLE OF THE UNITED NATIONS DURING THE INTERIM PERIOD

1. The Special Representative of the Secretary-General will be responsible for all aspects of the United Nations work in Afghanistan.
2. The Special Representative shall monitor and assist in the implementation of all aspects of this agreement.
3. The United Nations shall advise the Interim Authority in establishing a politically neutral environment conducive to the holding of the Emergency Loya Jirga in free and fair conditions. The United Nations shall pay special attention to the conduct of those bodies and administrative departments which could directly influence the convening and outcome of the Emergency Loya Jirga.
4. The Special Representative of the Secretary-General or his/her delegate may be invited to attend the meetings of the Interim Administration and the Special Independent Commission on the Convening of the Emergency Loya Jirga.
5. If for whatever reason the Interim Administration or the Special Independent Commission were actively prevented from meeting or unable to reach a decision on a matter related to the convening of the Emergency Loya Jirga, the Special Representative of the Secretary-General shall, taking into account the views expressed in the Interim Administration or in the Special Independent Commission, use his/her good offices with a view to facilitating a resolution to the impasse or a decision.
6. The United Nations shall have the right to investigate human rights violations and, where necessary, recommend corrective action. It will also be responsible for the development and implementation of a programme of human rights education to promote respect for and understanding of human rights.

#### ANNEX III - REQUEST TO THE UNITED NATIONS BY THE PARTICIPANTS AT THE UN TALKS ON AFGHANISTAN

The participants in the UN Talks on Afghanistan hereby

1. Request that the United Nations and the international community take the necessary measures to guarantee the national sovereignty, territorial integrity and unity of Afghanistan as well as the non-interference by foreign countries in Afghanistans [sic] internal affairs;



2. Urge the United Nations, the international community, particularly donor countries and multilateral institutions, to reaffirm, strengthen and implement their commitment to assist with the rehabilitation, recovery and reconstruction of Afghanistan, in coordination with the Interim Authority;
3. Request the United Nations to conduct as soon as possible
  - (i) a registration of voters in advance of the general elections that will be held upon the adoption of the new constitution by the constitutional Loya Jirga and
  - (ii) a census of the population of Afghanistan.
4. Urge the United Nations and the international community, in recognition of the heroic role played by the mujahidin in protecting the independence of Afghanistan and the dignity of its people, to take the necessary measures, in coordination with the Interim Authority, to assist in the reintegration of the mujahidin into the new Afghan security and armed forces;
5. Invite the United Nations and the international community to create a fund to assist the families and other dependents of martyrs and victims of the war, as well as the war disabled;
6. Strongly urge that the United Nations, the international community and regional organizations cooperate with the Interim Authority to combat international terrorism, cultivation and trafficking of illicit drugs and provide Afghan farmers with financial, material and technical resources for alternative crop production.

#### ANNEX IV - COMPOSITION OF THE INTERIM ADMINISTRATION

to be completed

Chairman: Hamid Karzai

Vice Chairmen:

Vice-Chair & Womens Affairs: Dr. Sima Samar

Vice-Chair & Defence: Muhammad Qassem Fahim

Vice-Chair & Planning: Haji Muhammad Mohaqqueq

Vice-Chair & Water and Electricity: Shaker Kargar

Vice-Chair & Finance: Hedayat Amin Arsala

Members:

Department of Foreign Affairs: Dr. Abdullah Abdullah

Department of the Interior: Muhammad Yunus Qanooni

Department of Commerce: Seyyed Mustafa Kazemi

Department of Mines & Industries: Muhammad Alem Razm

Department of Small Industries: Aref Noorzai

Department of Information & Culture: Dr. Raheen Makhdoom

Department of Communication: Ing. Abdul Rahim

Department of Labour & Social Affairs: Mir Wais Sadeq

Department of Hajj & Auqaf: Mohammad Hanif Hanif Balkhi

Department of Martyrs & Disabled: Abdullah Wardak

Department of Education: to be completed

Department of Higher Education: Dr. Sharif Faez

Department of Public Health: Dr. Suhaila Seddiqi

Department of Public Works: to be completed

Department of Rural Development: Abdul Malik Anwar

Department of Urban Development: Haji Abdul Qadir

Department of Reconstruction: to be completed

Department of Transport: Sultan Hamid Hamid

Department for the Return of Refugees: Enayatullah Nazeri

Department of Agriculture: Seyyed Hussein Anwari

Department of Irrigation: Haji Mangal Hussein

Department of Justice: Abdul Rahim Karimi

Department of Air Transport & Tourism: to be completed

Department of Border Affairs: to be completed

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